UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

***

PUBLIC MEETING (TO DISCUSS MAINE YANKEE ATOMIC POWER STATION LICENSE TERMINATION PLAN)

Wiscasset High School

Wiscasset, Maine

Monday, May 15, 2000

The above-entitled meeting commenced, pursuant to notice, at 7:00 p.m.

P R O C E E D I N G S

[7:00 p.m.]

MS. KILKELLY: My name is Marge Kilkelly. I'm the State Senator for Lincoln County. I also chair and assist on the advisory panel on decommissioning Maine Yankee, and I will be the moderator, I guess, for tonight's hearing -- meeting.

That's, I guess, where I want to first start. This is a public meeting and not a public hearing. This is an opportunity to have a presentation by the licensee, Maine Yankee, and by the NRC about the license termination plan and the process, and then an opportunity for stakeholders to comment.

I would ask that if you have a question you hold the questions until the speakers have concluded the formal presentations, and then as you will note on the agenda, there's an opportunity for public comments and questions.

Questions that can be answered quickly this evening will be. If there are questions that cannot be answered quickly this evening, then whomever you directed that question to will in fact provide that response to you.

In the back of the room there are a number of handouts, including copies of the agenda, copies of tonight's slides, and a frequently-asked questions document on decommissioning. If we run out -- if they run out of

copies of anything, then Etoy, who is the person in the back who is now waving her hand, will be happy to take your name and get that information to you.

If you would like to prepare written comments after tonight's meeting, they can be submitted to Mike Webb, and his address is also at the back of the room on the information from the NRC.

As I mentioned earlier, the purpose of tonight's meeting is the License Termination Plan for Maine Yankee, and what we would like to do, we realize there may be questions or issues outside of the License Termination Plan that people may want to raise, what we would ask that as you sign up or as you wish to speak, that you first focus on the License Termination Plan. We can get all of those questions, all of those issues, out of the way, and then we can move on to other things. We can stay here as late as we need to in order for everyone to have their questions, their comments, put on the record.

There also will be copies of tonight's transcript; if you would like a copy of that, one copy will be mailed to anyone who signs on that list which is again at the back of the room, and it may be fairly lengthy, so you may do that. And the slides will be included in that.

What I would like to do first is to have the folks that are here from the NRC and Maine Yankee introduce

themselves, and then we will go to Mike Webb from the NRC for an introduction for this meeting.

And so we'll start with Mike Meisner from Maine Yankee.

MR. MEISNER: I'd like to introduce George Zinke. George is the Director of Safety and Regulatory Affairs at Maine Yankee.

And to his right is Jamie Mallon. Jamie is the Radiation Protection Manager at Maine Yankee.

MR. WEBB: Good evening. My name is Mike Webb, and I'm the NRC Project Manager for Maine Yankee.

To my left is Dr. Ronald Bellamy. He is the Branch Chief, Decommissioning, ~~from the~~ and laboratory branch and our Region ~~home~~ I office in King of Prussia, Pennsylvania.

Next to him is Larry Camper, who is the Branch Chief of the Decommissioning Branch of our Nuclear Materials Safety and Safeguards Office.

Also here this evening, though, we have many other people who are available to answer questions and including Mr. Stuart Richards who is the project -- director of the Decommissioning Project Director ate.

Ann Hodgdon from our Office of General Counsel; Jim Lyons, who's the Acting Deputy Director from our Spent Fuel Project Office; Michael ~~Masnick~~ Masnik, who's the

Decommissioning Section Chief; Larry Pittiglio, Project Manager for Decommissioning; Rich Clement, who's a health physicist; Charlotte Abrams, who's a branch chief; Mark Roberts from our Region I office in Pennsylvania; and several others; and John Randall from the Advisory Committee for Nuclear Waste.

And I apologize for others who I've omitted.

SENATOR KILKELLY: Thank you. I'd also like to take this opportunity to introduce Spike Kerry. Spike is a senator for the Waterville area, and he is the Chair of the Utilities Committee. And members of the Community Advisory Panel that are here, Donald Hudson, Eric Howes, Dan Thompson, Phil Haines, and Ray Shadis.

This meeting is being transcribed as I mentioned, and in order to accomplish that reasonably, the transcriptionists has asked that when you do come to make a comment that you please state your name and spell it so that it can, in fact, be included in the record. If that ends up getting missed, then it's very difficult to back up and get that information, so I would ask that you state your name, where you're from, and if you're representing an organization, certainly include that information. But make sure you spell your name so that can be included.

We will probably take a break after the presentations are made prior to public questioning for about

ten minutes just to give people a chance to stretch and get organized. And there are rest rooms out in the hall to the left and certainly people can get up and come and go as they wish.

At this time I would turn it back over to Mike Webb for his outline of the decommissioning process.

MR. WEBB: Thank you, Senator Kilkelly.

As the Project Manager, I'm the principal point of contact at the NRC headquarters in Rockville for the decommissioning of Maine Yankee, but as you can see, we have a large staff who is actually involved with the overall review with the decommissioning process.

We appreciate, though, that you have an interest connected to Maine Yankee and want to thank you for being here tonight.

As Senator Kilkelly stated, the purpose of tonight's meeting is to describe the decommissioning and License Termination Plan work review processes. Additionally, Maine Yankee's going to discuss the License Termination Plan itself and their planned activities.

And the NRC will discuss the oversight that it's going to provide during the remainder of the decommissioning.

We're also here to gather public comments and answer your questions about the decommissioning, and as you

can see from the agenda, a major portion of tonight's meeting will be devoted to receiving your comments and answering your questions.

I'll begin by briefly going through the decommissioning process. Within 30 days of the Licensee's decision to permanently shut down, they're required to submit the written certifications to the NRC that they have permanently ceased those operations.

After they remove any fuel ~~and have a~~ from the reactor vessel, they have to submit a second certification to that effect. Then their license would no longer allow operation of the reactor or allow movement of the fuel back into the reactor vessel. Maine Yankee provided these two certifications to the NRC in one letter on August 7th, 1997.

The next step on the process is the submittal of the post shutdown decommissioning activities report, or PSDAR. This document is required to be submitted within two years after certification and before most of the decommissioning activity can take place.

The PSDAR includes descriptions of the Licensee's planned activities and an evaluation of the radiological, environmental, and financial impacts of their proposed actions. Full access to the decommissioning fund is not permitted until after the NRC has received a PSDAR.

Maine Yankee submitted their PSDAR on August 27th,

1997, and the NRC held a public meeting here in Wiscasset in November of 1997 to discuss the PSDAR.

Consequently, Maine Yankee ~~is going to be~~ has been conducting their decommissioning in accordance with the PSDAR since November of 1997.

The next step in the decommissioning process is the License Termination Plan, and that's the focus of this evening's meeting. It must be submitted at least two years before the planned termination of the license, and it's basically, the Licensee's plan to remediate the site so that it can be released for other uses and their NRC license terminated.

Maine Yankee submitted their License Termination Plan on January 13th of this year, and the NRC staff performed an acceptance review, and informed Maine Yankee on March 16th that their LTP provided sufficient information for the staff to complete our detailed review.

Based on that successful completion of the acceptance review, on March 23rd of this year we published in the Federal Register notice that the NRC had received and was making LTP available for public review and comment.

The regulations don't specify a specific comment period, but we're requesting that your comments be provided within 60 days of this evening's meeting or July 14th, which also turns out to be six months from when the LTP was

submitted.

As Larry Pittiglio of our NRC headquarters will describe in much greater detail in a few minutes, if the NRC staff finds the License Termination Plan acceptable, it will be approved by license amendment. The amendment process also allows for public comment and a request for hearing.

Normally, the comment period is 30 days, but we delayed our notification of that until later this week on Wednesday, May 17th, to ensure that a broader number of you would be aware of this opportunity to request a hearing and would be able to provide a comment within the ~~60~~ 30-day period.

Following the NRC's review, the plan -- if the plan is determined to be acceptable, it will be approved by an amendment, and Maine Yankee will continue to decommission the site and will perform radiation surveys. The NRC or the State will perform confirmatory surveys. We, more specifically the Commission, will terminate the license ~~during any~~ if the remaining decommissioning activities ~~that~~ are performed in accordance with LTP and the radiation surveys meet the NRC release criteria.

During this entire process Maine Yankee will continue to be subject to NRC regulations and inspections. And Ron Bellamy of our Region I office will discuss how the NRC inspects the facility during the license termination

process.

I'd like to have one additional comment, and that's although several of us are here tonight to answer specific questions and listen to your comments, your questions are always welcome. Therefore, for your information I have provided contact information for myself and Mark Roberts and Randy Bragdon, the NRC inspectors assigned to Maine Yankee for Region I.

This concludes my presentation. I'd like to turn the floor to Maine Yankee.

MR. MEISNER: Good evening. There's been quite a bit happening in Maine Yankee issues, so before I turn it over to George Zinke to talk about License Termination Plan details, I thought it might be appropriate to provide an overview of a couple of areas that have received a good deal of attention.

The first area is the relationship between the recent State legislation and the License Termination Plan; and the second area is the fact that our termination of the Stone and Webster contract on the progress of decommissioning.

So, let me start with the legislation and the LTP, or the License Termination Plan.

Most of you will recall that the LTP we submitted back in January included a preface, and in that preface

Maine Yankee proposed to overperform, to go beyond Nuclear Regulatory Commission requirements, and to make the 10 millirem dose standard of which no more than 4 millirem could be attributable to ground water.

We took this step at that time because of the consistent desire and feedback on the part of every stakeholder that we had to do what we could to exceed regulatory requirements.

The recent legislation then adapted this standard, this 10/4 millirem standard. The legislation also indicated that any concrete from above-grade structures that was used as foundation should meet the NRC's regulatory guide, 1.86, and that regulatory guide in fact sets the standard below construction, demolition debris would not be considered low-level waste.

Just prior to the legislation you probably read in the newspapers a similar agreement was signed by Maine Yankee and several other groups. Those groups were Friends of the Coast, Safe Power for Maine, The Citizens Against Nuclear Trash, and the Town of Wiscasset.

Another portion of the legislation is relevant to the LTP that we'll be discussing tonight. There's a requirement that the analytic methodology, by that I mean the computer codes that will be used to determine the dose, the results from the decommissioning and which will be used

to demonstrate compliance with the 10 and 4 standard in State legislation, has to be approved by the Nuclear Regulatory Commission. That's written right into the legislation and that's something I'll discuss later.

So the LTP as submitted as it is today with the NRC is in pretty good shape, really, to serve ~~to mass groups~~ two masters here: To demonstrate compliance with the NRC's 25 millirem ALARA, that's As Low As Reasonably Achievable requirement, and to serve as the technical basis through the dose model that the NRC will ~~prove~~ approve for demonstrating compliance for the State legislation at the 10 and 4 level.

And regardless of the dose and State, whether you're talking about 10 or 25, the LTP remains valid for items such as site characterization, historical reviews, decontamination methodologies, ALARA calculations, and the like. The dose calculation model itself similarly may be unaffected by what the State chose for the decommission because the potential dose pathways, particularly the ground water pathway, must be accounted for whatever standard they decommission to.

Now, that being said for the dose model, the inputs to the dose model are another matter. In general, one would expect to have different DCGLs. That stands for Derived Concentration Guideline Limits for decommissioning standards. And if you don't recall from previous meetings

or the LTP, the DCGLs are kind of the measured limits after we decontaminate a facility. It must be met to show compliance with a particular dose.

So in order to meet the legislative standard, it will likely be necessary to develop new DCGLs associated with that standard. Maine Yankee will provide additional information in addition to the LTP explaining what changes will be implemented to satisfy the legislation.

I should point out the different DCGLs for purposes of the State compliance don't invalidate what's already been presented to the NRC. Although I can't speak for the NRC, I believe that they must review our application with respect to compliance with their regulatory requirements, and that's the 25 millirem ALARA requirement, rather than the State's 10 and 4 criteria. But the main point I wanted to make, and it's in response to several questions I've received lately, is that Maine Yankee will update the LTP with supplemental information -- additional information, and how we plan to decommission to satisfy the recent legislation.

Now, let me just talk briefly about the Stone and Webster contract termination. As you're probably mostly aware, we're in a transitional phase with our decommissioning contract. Following termination of the Stone and Webster contract about a week and a half ago,

Maine Yankee and Stone and Webster entered into an interim agreement that continues their work on site through June 30th. This agreement allows Maine Yankee to conduct an orderly transition, and we very much appreciate Stone and Webster's cooperation in keeping the project moving forward under this agreement.

During this period we will be looking at the various Stone and Webster subcontracts to identify those which we at Maine Yankee would like to assume directly. At the same time, we will be defining how we wish to complete this project. It could be negotiating a new contract with a general contractor, but it could be Maine Yankee serving as the decommissioning general contractor, or it could be a hybrid of the two.

By taking these steps we believe that the project can continue in a safe, orderly fashion with minimum effect of project costs and schedule. But time will tell how accurate our predictions are going to be. It remains, however, our intention to complete this decommissioning in 2004.

The Stone and Webster contract termination may also drive a few minor changes in the License Termination Plan. For instance, references to Stone and Webster as an organization may have to be updated.

So although this has been kind of a difficult time

for us, the good news is, the work is getting done, and hundreds of workers continue to be employed out at the site. You know, we began decommissioning in August of '97, and at this point we're about 25 percent complete. And not to get into a lot of detail, if we measure that, it's how much of the commodities and waste we shipped out of the site and over that period we shipped about 7 million pounds of waste, half of it's radiological waste.

So, let me finish with a comment on the License Termination Plan process. Last summer Maine Yankee very deliberately chose to release incomplete drafts of the LTP to the public to prompt discussion and feedback. We didn't want to wait until we submitted in January to start a dialogue with folks. And we did this knowing full well that we would create an opportunity for a good deal of public and very controversial things; and that's just what we got. But as uncomfortable as it's been, we also, as a group, evolved to a dose standard that everyone can feel proud of on this project.

There are a broad range of stakeholders that contributed to this outcome, many folks in the State government, Friends of the Coast, Town of Wiscasset, our Community Advisory Panel in the legislature, and other's too numerous to mention. So tonight we hope to get more constructive feedback and continue the process.

Thank you for your attention. I'd like to introduce George Zinke, our Director of Regulatory Affairs who will be discussing the license termination.

MR. ZINKE: I'm George Zinke. As you can see above the overhead, that's a picture of what Maine Yankee used to look like. Some of the details on that have already been removed. That's for those of you who have never visited Maine Yankee.

Just some brief background. Maine Yankee received it's operating license in 1972, and it's already been said that we shut down in 1997 and submitted our License Termination Plan in January of this year.

The License Termination Plan has a specific purpose: That is to show how we will meet the Nuclear Regulatory's radiological criteria of 25 millirem. But as we decommission the plant, there's a lot of other laws and a lot of other criteria that we also have to meet. Some of the laws, not all of them, are listed on this slide.

In addition to the license termination we also have requirements on ~~Smithfield~~ spent fuel storage. There's requirements through EPA, the State, Hazardous Waste, Natural Resources Protection and Solid Waste.

There's a whole sort of other kinds of regulations that we have to meet. So when you see the License Termination Plan or review the License Termination Plan, you

need to keep in mind that there are a lot of other requirements that we also have to meet under the processes that we have to go through in addition to the License Termination Plan. And in fact there are a lot of other regulatory agencies that we also have to answer to and they provide oversight. Again, this is why it's just a short list of some of the regulatory agencies that are involved in various aspects of decommissioning of Maine Yankee.

As Mike said, the License Termination Plan has a variety of sections. The plan itself is two volumes thick. It's important to know that it is a summary document which means that even at two volumes thick, there's a substantial amount of information behind all of the statements that are in the License Termination Plan.

The License Termination Plan was developed under fairly recent guidance, and so we've worked real close with the Nuclear Regulatory Commission to try and determine what level of detail they would need initially to start their reviews. We would expect in this process they will ask for some additional information in order to provide additional details on the kinds of things that are in the License Termination Plan.

So as you read it you may find that you have questions, and that's fine, because there is a lot of details behind the kinds of things in here.

The License Termination Plan itself is available at the Wiscasset Public Library and it's also available on computer. If you need a hard copy, you can contact Maine Yankee and we have some hard copies available also.

The contents of the License Termination Plan, the initial portion which wasn't required by regulation, is a preface which we tried to explain to the general reader without being held down with nuclear terminology of accounting Maine Yankee is going to be decommissioned.

It also contains information on how we would meet other regulations, including State criteria. And then there's a general information section. Then we start moving into the more important parts of the License Termination Plan which generally follow to a large degree the process that Maine Yankee is decommissioned.

Section called Site Characterization. Early on in the process of decommissioning there were site historical assessments where we looked at the history of Maine Yankee and what kinds of things we learned to best determine the potential for radioactivity areas, areas where radioactivity would be.

We also did a survey. I talk about a survey but the site characterization survey, the results of this are 11 volumes thick, with multiple survey across the site just to characterize so that we would know what is at the plant in

order to determine further plans in order to determine how to clean up the site and what to do and how to meet the criteria stated in that plan.

So, the site characterization portion of the License Termination Plan provides a summary of these results and then it also provides information that throughout the decommissioning we will continually be characterizing, which means that for smaller areas of the plant we will characterize to a much more detail than was initially done in order again to determine how to best clean up the site and what to do with the site.

The next section in the License Termination Plan is the section called Remaining Dismantling Activities. That goes into more detail on how we characterize waste so that we know which waste can be shipped where. For all of the varieties of waste, there's specific limits and specific requirements on how we would sample, how we would survey, and how we would determine where the waste can be shipped.

There's also details throughout the decommissioning process that we need to control the contamination so it is contained and doesn't spread into areas that have already been surveyed; it provides details on how we can decontaminate the various components and how we can decontaminate concrete, it describes concrete, the processes like scabbling, which is a method of scraping off

a portion of the concrete and the portion of the concrete that contained contamination to be shipped to a processor or the place that is allowed by law to receive radioactive material. It describes the arrangement of the plant, the various steps, the various sequence, the schedule for how Maine Yankee is dismantled.

Again, even the schedule of the License Termination Plan is a very summary-type document only outlining the major components of the major items in the schedule. The plan itself we have much more detailed schedules that the work is actually performed to.

The next section is something called Site Remediation Plan. Sometimes we talk about the radiation criteria that the plan is decommissioned to. There's another term that gets thrown in called ALARA, which is a nuclear term that stands for As Low As is Reasonable~~y~~ ~~And~~ Achievable, A-L-A-R-A, which means that addition to the numerical criteria, we also have a criteria that if we look at is it cost effective to have a dose standard that's even lower than the standard in the regulations.

So as part of License Termination we do what's called ALARA evaluations to determine is it cost effective to remediate components or soil even further?

The next section is called Final Survey Plan, and it is primarily based on a document that was released in

December of 1997 which is called the Multi-Agency Radiation Survey and Site Investigation Manual. That was the effort of four Federal regulatory agencies: The Department of Defense, the Department of Energy, the Nuclear Regulatory Agency, and the Environmental Protection Agency.

In order to have an agreed-upon method of surveys when we decommission Maine Yankee, in order to determine that we in fact meet criteria, there's a series of surveys that have to be done across the site.

The methods of determining what surveys, how many surveys, design of the surveys, what instruments will be used, the accuracy against the relation that's used, how the data is collected, statistically modelling for all of the data, that's all guided by this. An acronym we use is MARSSIM, and in the License Termination Plan it goes through the details of how we would be doing the final status surveys.

So the term is not misleading, final status surveys occur throughout the decommissioning. They don't just happen at the very end, but as we remediate, as we finish with certain parts of the plan, then there would be a final survey done at that particular area, and then there are controls put in place so that that area cannot be recontaminated, and then regulatory agencies like the Nuclear Regulatory Commission in coming to perform surveys

to make sure that they agree with the results that we're getting and that we use appropriate methods.

The next section is called Compliance With Radiation Criteria. This is the real guts of decommissioning of the License Termination Plan.

We talk about a criteria, Mike's mentioned the 25 millirem which is a Nuclear Regulatory Commission criteria. We talk about the 10 millirem and the 4 millirem, the ground water standard that is State law now, but those are numbers that we don't go out with instruments and just measure those numbers, that it takes a computer modeling.

And the reason it takes computer modeling is that what if those doses are used that we model termed as ~~small~~ all pathways. An example is that in order to determine what the dose to an individual is, first you pick what the critical person would be, so we assume that someone would, after we're decommissioned, would come and either work at or live on the Maine Yankee site that they would get some amount of dose from just living there, that they might get dose if they drilled a well and drank the water. They would get some ~~does~~ dose if plants grew in the water and contained some contamination.

They might get some dose if animals eat the plants and people eat the animal. In all of those ways of radiation getting to a human being that are all calculated

based upon the measurements we would take from the modeling to assume all of those pathways such that an individual gets from eating particular foods.

And once all of those are calculated, then it has to meet the limits. In the case of the Federal -- the Federal limit is 25 millirem and the case of the State limits, it's a 10 and the 4.

So again, the License Termination Plan in the section called Compliance describes the various computer models that are used to put limits and how they are converted to the actual measurements that will be taken in the final status surveys.

Some other sections in the License Termination Plan, there's an update of the site-specific decommissioning costs which outlines the relationship between all of the activities that have to be performed and what they're going to cost to ensure that there will always be enough money to complete the decommissioning and meet the criteria.

Then the next to the last section is called the Supplement to the Environmental Report. We evaluate the environmental impacts of the decommissioning process of the ~~in-~~ end state of the site and compare that to various generic environment impact reports and compare them to the original Maine Yankee environmental reports -- assessments reports.

The last section in the License Termination Plan is just a section called Acronyms. In the nuclear business we assign an acronym to all the nuclear jargon that we use which makes it difficult for the common readers of that section, is a helpful assistant who would be reading the License Termination Plan.

In summary, the License Termination Plan is only a piece of the how we decommission the plant. It is in this review cycle right now that the NRC is going to talk a little bit more about. We do expect that they will send us a request for additional information in order to provide more detail about the information to review on.

Then as Mike Webb indicated that there will be a license ~~agreement~~ amendment review process would inform once the License Termination Plan gets approved and becomes an amendment to the license and becomes part of our final safety analysis and then we would continue to decommission and show that we had performed those things that were included in the License Termination Plan.

Our current scheduled plan on completion of the plant decommissioning is 2004. As a separate piece of decommissioning, we will still have fuel on the site which we will take to storage -- dry storage installation called an independent spent fuel storage installation.

And that facility will also eventually get

decommissioned. Fuel is taken away by the Department of Energy so that facility that's left will go through the same kind of a thing that we're doing now with decommissioning; there will be surveys and sometime in the future that will also be reviewed. Thank you.

SENATOR KILKELLY: And now for the NRC.

MR. PITTIGLIO: Good evening. My name is Clayton Pittiglio, and I'm here to talk to you about the License Termination Plan.

Before we start I just wanted to take the opportunity to recognize the outstanding effort made by the Wiscasset Public Library. We did stop by a couple of times, and our Web site is bookmarked and it provides easy access. It's very helpful. If you need any information on the LTP or supporting information, we were very happy for the effort they made and recognize their help in making the information available.

Again, my name a Clayton Pittiglio and really the only important thing on this slide is my e-mail address and my phone number. If you have any information -- questions you might have.

Basically, we're going to talk about the process, the purpose of the meeting, the regulatory basis, the actual review process itself, the status of where we are with the Maine Yankee review; and we're going to talk about the

concept of rubblization and where we are in that issue.

Basically, we're here tonight, the purpose of this meeting is to provide the public stakeholders input in the LTP, and again, as we mentioned earlier, we are required by the regulation to discuss the LTP and to come here and that's why we're here tonight, and we're happy to be here.

The LTP is really dictated by two separate regulatory bases. The 50.82(a)(9) requirements are specifically related to the decommissioning rule, and then a year later in 1997 the license termination ruling was published which is what we refer to as the 25 millirem criteria. So the requirements in the LTP are really dictated by two separate regulatory requirements.

What is the LTP review process? Well, the LTP process, again the 50.82(a)(9) requirements and the requirement in Subpart E, dictates specific areas that have to be addressed.

The first area includes the site characterization. We also have to identify the remaining dismantlement activities, they have to go out and detail plan for site remediation.

Again, as mentioned earlier, the plans for a final radiation survey, it does assess the methodology that demonstrates that they were in compliance with our regulation. It's also important that they include an

updated site-specific cost estimate and provide a supplement to the environment report. These are the requirements that are a combination of the 50.82(a)(9) requirements and the license termination rule.

What are the steps in our LTP review process? First of all, we conducted an acceptance review. Mike talked about that, we notified the Licensee on March 15. Initial review was acceptable. What that meant was we identified that all of the areas dictated by the regulation were covered in the LTP submittal.

We have now initiated our technical review; that's the next stage. What we will be doing following this meeting is taking the input that we've received tonight and answering some questions from the stakeholders. We will conduct a technical review and develop a set of requests for additional information. We will probably have those sometime in late summer, early fall. That's the first step that we'll go through.

There may be a second round of questions; that's really based on what happens when we get into the detailed review, the level of information that's provided, and whether the responses that we received from the Licensee closes out the issues that we identified in our first RAIs. Once we have closed out all the issues in the RAI, we develop our safety and environmental review, and as was

mentioned earlier, the approval process is by licensing amendment with an opportunity for a hearing.

The LTP may propose either one of the following two things: We have the option to release for unrestricted use or release for restricted-use conditions. This particular application, of course, is for unrestricted release. The only requirement in the rule is that the LTP be submitted at least two years prior to the termination of the license.

Again, the LTP, the approval is by license amendment, and we are required to hold a meeting typically as we are here tonight within approximately 90 days after we receive the LTP.

What is the guidance for which we have issued that provides information on the information to be submitted on the LTP? We issued Regulatory Guide 1.179 in January of 1999. We issued our initial version of ~~new rate~~ NUREG 1700 also in January of 1999, and we issued an amendment -- a revision to it. In fact, I brought some copies; they're in the back of the room. I don't know if there's any more left or not. It's up on our Web site and we just issued that literally two or three days ago.

In addition we used MARSSIM. That was what was referred to and it's NUREG ~~15.75~~1575. The status of our LTP review, as we indicated it was submitted in January of 2000.

Our acceptance review was completed in March of 2000.

We initiated our safety and environmental review, ~~not~~ about a month ago. Very, very early in the start-up stage of the review for holding the public meeting here tonight with the intent of getting input and comments to focus and direct our review, we hope to issue our first RAI in the September/October timeframe and also we submitted a letter to a Licensee last week requesting them to identify impacts with the License Termination Plan regarding the changes in the regulation.

That pretty much summarizes where we are with the LTP. What I'm going to do now is just take a couple of minutes to talk about the rubblization concept that we really discussed in ~~Section 00.41~~ SECY-00-0041 which we actually issued in March or February of this year. And in that particular paper we had rubblization and it applies to contaminated concrete buildings.

It basically requires removing of equipment, decontamination of building surfaces, demolishing the above-grade part of the structure, placing the concrete rubble into below-grade structure, typically grading the site to a restored condition, it involves modeling that condition, and, of course, you have to satisfy the requirements of the license termination rule.

And what are really issues related to

rubblization, again, the Commission paper did not focus on one particular aspect of rubblization but talked in general about the rubblization concept.

First of all, any rubblized concrete on site is not new. I want to point that out that at the Fort St. Vrain reactor which was released for unrestricted use in May of 1995, rubblized ~~coolings~~ buildings were left on site, they were actually knocked down before the license was terminated to allow for the construction of some gas turbines that were put on site. The building was surveyed; we approved the final status summary report. The building was knocked down and the concrete rubble was placed in an area on site and left there.

With the Shoreham Nuclear Plant, which was terminated the year earlier in June of 1994, massive concrete blocks, the bottom shield wall was cut into blocks that weighed approximately, if I'm not mistaken, seven to ten tons. They were decontaminated to the required limits at that time which were 1.86. There were approximately, if I remember correctly, about 25 of those blocks that were in the six- to ten-ton range and placed up on the turbine deck and left sitting there. They're still there today.

So the idea of rubblized or concrete being left on site is not new. The new aspects are we're placing rubblized concrete into below-grade structure. And again

that was done before we had the 25 millirem requirement.

Also, from what we've seen so far, another new aspect is higher levels of residual contamination. Now, we have the GEIS rule, which is the license termination rule, and pathways and rubblization were not addressed in that; we are aware of that.

We're also in the process of developing guidance on how to address the dose modeling and required support rubblization.

Additional issues that we know of -- that we're dealing with -- demonstration of ALARA. The fact is that the assessment according to the license termination rule must read we represent the site, the condition of the site by the time license is terminated. If the buildings are going to be knocked down, then the regulation requires that site should represent the site.

Other issues to come up are, of course, concern about low-level waste volumes. We recognize there's also potential cost saving. Rubblization is a departure from past practice, an issue that's come up and been raised. There's always been an issue raised about NRC's obligation. There are those who are well aware of that.

We are going out of our way. We conducted a workshop in August of '99 specifically addressing rubblization. We invited stakeholders at that time to

provide us input. We had approximately seven or eight attachments to our Commission paper that were provided by stakeholders to make sure the Commission was aware of stakeholders' input on the issue.

Another issue, of course, is the length of time for the case-by-case review.

Finally, where are we with the path board? Well, as I indicated, in February of this year we issued our Commission paper that defined rubblization concept. As stated, there were several attachments that incorporated stakeholders' input. We've had comments from the State of Maine; NEI provided input; environmental groups provided input. They were all attachments to the Commission paper; that is up on our Web side. You're free at any time to go in and take a look at it. They are there.

Until we get initial guides developed for rubblization, everything will be done on a case-by-case basis.

As we mentioned earlier, we are in the process of developing guidance. In addition, the GEIS for reactor decommissioning is being revised to address rubblization. Public meetings are being held. Several have been held. There will be another one held, I believe, on Wednesday night in Boston to solicit input.

Another concern we have again is the off-loads

just to make sure that it meets the license termination rule. In addition, we're committed to keep the Commission informed of applications and where we are in the review process for rubblization.

DR. BELLAMY: Good evening, my name is Ron Bellamy. I'm the Regional and Branch Chief that has the responsibility for ensuring that the inspections are done here at Maine Yankee, that they're done at the appropriate time, that they're done at the appropriate date, and that they're done by qualified staff.

And most of the Region I are responsible for making sure that the results of our inspections are issued in a timely manner. And we did issue in a special report just today, I believe Maine Yankee has that report, and that report and all of our reports are available electronically through our ADAMS home page system.

There is no longer a resident staff here. We're aware of that; you're aware of that. We do conduct our inspections at least monthly. We haven't gone more than three months -- three weeks at any one time since the resident has left here without having an NRC Region I inspector here on the site.

That frequency can be increased based on the specific decommissioning activities at the time during the recent removal of the three steam generators from

containment. We have a number of staff here for a period of three weeks consecutively.

We also use specialists when necessary. I did have a heavy-loads expert up here to take a look before they were used for that activity, and we'll continue that in the future.

We do have weekly conference calls that are set up with the Licensee, with Region I staff, with the NRC staff, and with the State of Maine so that we try to maintain as much as possible an up-to-date status of what's going on up at the site.

We do also come up here at least quarterly to make presentations to the Citizens Advisory Panel. I think we're doing that a little more frequently than quarterly, and either I or one of my staff members has been at just about every Citizens' Advisory ~~town~~ Panel meeting, and we plan to continue on doing that.

The objectives of our NRC inspection program are simple and straightforward. We verify the safe conduct of the Licensee activities and emphasize the word, verify, here. We will look at the adequacy of the Licensee controls and oversight, and that's particularly important here for the Maine Yankee where we're losing the decommissioning operations' contractor in some form or another.

And we look at trends in license and licensee

safety performance to see if there is any degregation-type trends that we need to evaluate. But the operative word here is, verify. We are not designed to be here to monitor and watch everything that happens at all times. We perform a lot of functions, and that's consistent whether there would be a full-time resident staff here or as it is now with the regional inspectors reporting up here for inspections.

The NRC inspection manual chapter, Manual Chapter 2561, that is kind of the important document that we use to plan inspections. Every one of these required inspection areas are looked at at least annually. If you take a look at the back of any of the inspection reports, you'll see a list of the modules that were inspected during that inspection and where they stand.

Some of these are done frequently; some of them are just annually. Some are done at every inspection. We take a look at how the Licensee is organized, what type of management they have, and how the cost controls are going with respect to the decommission.

We take a look at their safety reviews, whether there were any changes to the design of facility, whether there have been any modifications, and how those modifications are being done and documented.

An important area is the Licensee's

self-assessments and how they think the process is going. Not only will we do our assessments, we will assess the Licensee's assessments and see how they are doing in identifying their own problems. That leads to their own auditing and their own corrective action system.

Their corrective action system is exceedingly important these days with the new enforcement policy where we rely very heavily on the Licensee to identify their own issues and enter them into a corrective action system.

For those of you who aware of the new reactor inspection program that the Nuclear Regulatory Commission has recently initiated, that program does not apply to Maine Yankee; it does not presently apply to decommissioning reactors.

During every trip up here we will look at the actual decommissioning performance and how the status of the decommissioning is. We'll take a look at maintenance activities, surveillance activities, what surveillance tests are required, and how the Licensee is actually implementing the surveillance tests.

When I use the term Licensee here, I'm also using that in the global sense to include all of their contractors on the site.

Every fall we'll take a look at cold weather preparations to ensure that pipes are not going to freeze in

those areas that need to be heated. We look at the spent fuel safety book from a radiological and nonradiological standpoint. We consistently look at occupational radiation exposure and compare that to what the Licensee has told us in the PSDAR to ensure that their rate that the exposure's on line with that. There is an excellent summary of that in the most recent ~~special book~~ inspection report, the one that is dated today.

We take a look at the rad treatment facilities that influence the environmental monitoring activities, solid rad waste management and transportation, including the preparations in the document and the documentation for transportation. Plus we interface significantly with other Federal agencies, including the Department of Transportation and the Coast Guard.

I've had a number of discussions with the Coast Guard over the last several days, particularly last week, with respect to the upcoming shipments of the three steam generators and the pressurizers.

There are some areas that are inspected when they are applicable to the status of the decommissioning. Those are the preparation for the fuel handling activities, including the inspection of the spent fuel. Independent to inspections, whether they be done by the Licensee or a contractor, the [inaudible] was mentioned. When the

[inaudible] is ready to be constructed, we will have staff up here to take a look at that.

During the site termination and final survey process we will have radiological specialists up here to observe what the Licensee and the contractors are doing. We will also take our own independent measurements. I have at my disposal a radiological independent measurements van that is here this week. We are using it -- we will start using it tomorrow to actually analyze samples with the Licensee, split samples to verify that the Licensee's measurements are accurate.

We have an outstanding staff that operates the van, and they are well prepared to undertake this activity. So the van will be here for the rest of this week, and we will have it back up here in the future for further work.

We take a look at physical security. We do have contractors available, and we have had physical security contractors on site to take a look at security. And, we'll take a look at emergency preparedness.

Just to give you a feel for how much time we're spending on site, if you went through Manual Chapter 2561 and you tried to add up the hours that we should be spending here on an annual basis, you'll come up with somewhere around 600 hours, and it's a little difficult to interpret exactly what's in that manual chapter, and this is my

interpretation of what's in there, so somewhere around 600 inspection hours.

An inspection hour is an actual hour spent on site. I want to emphasize that that does not include preparation in the Regional Office; it does not include documentation; it does not include travel; it does not include attendance at public meetings such as this one tonight; it does not include my time, whether I'm here or whether I'm on site assisting in an inspection.

And the hours here also do not include time that any other NRC person spends on the site except for my staff in Region I. Michael Webb is up, I believe, it's probably about quarterly, I would say. He does do some inspections for us. He takes a look at the corrective action systems and some of the 5059 type of use. Those hours are not included in here.

So you'll note that in fiscal year 1999 Region I technical staff spent 500 on-site hours on the site. You can say that's, oh, well, that's lower than what your guidelines are. Well, you have to realize that a decommissioning operations contractor was not selected until September of 1998. The fiscal year started right after that, so it took a while to get up to speed, and we decided that it was not necessary to spend those hours, so they are a little less.

In this fiscal year, our fiscal year started October 1, 1999, we spent to date 323 hours. That's through the end of April, and you'll see that that projects to about 550 hours for the fiscal year. So we're pretty much on track.

I monitor this on a monthly basis to make sure first that we're not overspending, but also to make sure that Maine Yankee's getting their fair share of the inspection resources that I have. And what we will do is we will continue to monitor this monthly through the year 2004 until the license is terminated, and we'll continue to do our inspections as is appropriate. Thank you.

SENATOR KILKELLY: We are now going to break for about ten minutes in order to set up the podium and prepare for questions, answers, and also public comments.

And as I mentioned before, we'd really like to prioritize that the initial questions and comments be on the LTP, and then if there are others, if you would go to the back of the line, get all the LTP questions done, and then we'll come back, and we will stay as late as we need to; but we want to make sure that those folks who came just for the LTP process, in fact, get prioritized. Thank you.

[Recess.]

SENATOR KILKELLY: Thank you. What I'd like to do is as we begin this process is again remind folks that when

you do come to the microphone at the podium over to the side that you state your name, and if it's a name that needs to be spelled, please spell it for the transcriptionist and if you're representing an organization.

Speakers tonight will have approximately six minutes for their initial presentation, and that should take us right around until about 10:00. And again what I'd like you to do is initially speak to the License Termination Plan. If there's something that you wish to add after that, then we will go through additional lists of folks that we should speak on or comment on other things.

So at this time I do have a sign-up sheet, and what I will do is as they were signed in ask people to come to the microphone; and I do have a two-minute warning just to ask you to please wind down at that point in time.

I'd like to repeat what I said initially. In order to accommodate all of the people that have signed up on the list, then we will be allocating six minutes per person with a two-minute notice so that people know when that initial six minutes is winding down.

Once we have gone through that list, then if there are people that wish to speak, again, we will go through another list and do that in order to provide everyone with an opportunity. My concern is that if the two or three people each chose to speak for an hour, then that might be

very difficult for those who happen to arrive later on and sign up later either towards the middle of the list or the end of the list.

So as an opportunity to provide all of those people who have signed on to the list a chance to speak, the initial time will be six minutes. At two minutes there will be a notice to let you know that the time is in fact running out.

So I will go down through the names and ask folks to come to the microphone. Mike McConnell. When you're speaking you may ask questions, yes.

MR. McCONNEL. Can you hear me? First of all I want to ask Clayton Pittiglio, does he know that there is no rubblization of buildup of waste at this site? When you were talking about rubblization, I couldn't figure out why you were doing that since, I think, it's legislated that that's not what happened.

MR. PITTIGLIO: The discussion of rubblization was really a summary of our Commission paper, ~~000~~ SECY-00-41.

MR. McCONNELL: I'd just like to confirm that you, personally, know that there's no rubblization of low-level waste at the site. Is that accurate?

MR. PITTIGLIO: Rubblization meaning placing concrete rubble into the ground?

MR. McCONNELL: Right.

MR. PITTIGLIO: The License Termination Plan still indicates that.

MR. McCONNELL: Then you don't realize that that's about to be changed and my -- mentioned to comments earlier meaning that you, as of yet.

MR. PITTIGLIO: I'm not --

MR. McCONNELL: I think we can go on. I don't want to waste my six minutes.

What I want to talk about is the -- who is responsible once the Maine Yankee decommission is done and they're signed off and the ~~drycasts~~ dry casks are set up and they're supposedly 64 of them coming or being put up, who is going to -- which person, which people, Maine Yankee, NRC, State of Maine, who is responsible for the monitoring of those ~~casts~~ casks?

MR. MEISNER: Yes. Maine Yankee will continue to have a license for the ~~drycast~~ dry cask storage disposal, and the NRC will continue to be responsible for overseeing those.

MR. McCONNELL: So the NRC will make sure that the Maine Yankee is doing it properly?

DR. BELLAMY: Let me just answer for the NRC and say that the answer to that is, yes, we will continue to monitor and oversee.

MR. McCONNELL: Is it going to be monitored

electronically and mechanically?

MR. MEISNER: I don't want to go into the particular time and ~~drycast~~ dry cask storage because that's not the subject of the License Termination Plan.

MR. McCONNELL: It is part of the License Termination Plan.

MR. MEISNER: No, it's really not; that's separate. We will continue to have a license for the dry storage facility while the license for the remainder of the site termination plan is. We will have to add another decommissioning round, if you will, in order to decommission the dry storage facility.

MR. McCONNELL: Okay. Then I would briefly like to comment on this.

The fuel rods, the uranium fuel rods, are considered high-level nuclear waste, and we have bombed countries like Iraq, we've bombed their nuclear power plant facilities, and destroy their uranium so that it can't be reprocessed into weapons-grade fuel; and I consider that a serious issue and that in the plan, when you do come up with one, that the safety and guarding of that material should be taken with that serious consideration. In other words, there should be gates, guards, maybe weapons, so that we can protect our national security and the area of Wiscasset from terrorist bombing, whatever.

The other issue is, who is going to verify the 10/4 millirems left on site? The NRC?

DR. BELLAMY: The answer to that is, no, we will not verify 10/4. We will verify that the 25 millirem required is meant.

MR. McCONNELL: Okay. So other than Maine Yankee, is there going to be some State verification?

SENATOR KILKELLY: There are folks from the State who will be speaking after you, and I'm sure there will be an opportunity for their comments and certainly an opportunity for discussion afterwards.

MR. McCONNELL: Thank you.

SENATOR KILKELLY: Allen Clemence.

MR. CLEMENCE: My name Allen Clemence; I live in Franklin, Maine. My last name is spelled C-l-e-m-e-n-c-e.

I'd like to thank you, the NRC, for being here today and for the opportunity to make a couple comments.

I want address two topics. First is I just want to make a comment and state that the 4/10 radiation criteria must be a part of the long-term plan application, not the supplemental section.

The other thing I'd like to comment on is long-term storage both in the cooling pool and/or in the ~~drycast~~ dry cask storage facility. I'm just going to read a short statement.

There are dozens of controllable variables that should be maximized to be sure to promote integrity of the metal fuel rod assemblies that hold highly-spent radioactive uranium and other nuclear products. That's whether or not they're in the fuel pool or in ~~drycast~~ dry casks. The spent fuel is radioactively hot and thermal, but it continues to generate massive amounts of decay.

Inside the storage ~~casts~~ casks, for many years, damaged fuel assemblies and make the likelihood of their removal from Wiscasset at some point in the future less likely and certainly more costly.

It's critically important that this fuel remain in the best possible condition. Loss of the inert helium in the ~~casts~~ casks or underestimation of potential heat output of some assemblies could also result in severe damage in the release of radiation.

Maine Yankee's current proposed plan for the storage allows for too high a density in the fuel assemblies in each cast. It also contains an incredible shortage in monitoring capabilities to keep an eye on what's going on inside that.

Their plan is to weld the cast shut and hope for the best. In this case more ~~casts~~ casks than originally required. So I just want to point out that there are some real deficiencies in this plan as I've seen it so far. And

I've mentioned what there are, a couple of them.

The thing I'd like to sort of emphasize, I don't think my comments are sort of tame compared to what I think they should be. I mean, we're poised to receive high-level waste, and I don't feel that this issue is being addressed correctly.

A moment ago Mike Meisner has said that waste -- the dry waste facility is not part of this license. It's my understanding at this point in time it is part of the site plan, the proposed termination plan. As I understand it now, the ~~drycast~~ dry cask storage is part of the operating license as is going forth at this time. Now, that could change but it's a -- correct me if I'm wrong.

MR. MEISNER: What I said was that the drycast facility will be under a license --

MR. CLEMENCE: I know what you said, but right now -- where the License Termination Plan is right now -- is this in the license now?

MR. MEISNER: There's no facility now, but the License Termination Plan is for those portions of the site independent inspection of the storage facility.

MR. CLEMENCE: Would it include the cooling pool? Are they independent of the cooling pool?

MR. MEISNER: No, the spent fuel pool, the wet pool, is decommissioned under the License Termination Plan.

MR. CLEMENCE: Again, you can't have one without the other, can you?

MR. MEISNER: That's right. So what I'm trying to say is terminating the license, which is what the end result of this plan is, is directed at those areas not associated with ~~drycast~~ dry cask storage, and there is a separate process for decommissioning a ~~drycast~~ dry cask storage facility, one the Department of Energy performs.

MR. CLEMENCE: My point is this: That the removal of the spent fuel from the fuel pool will involve placing in the ~~casts~~ casks no matter where the ~~casts~~ casks go whether they stay off site or they leave the state, the placement of that spent fuel in the ~~casts~~ casks and sealing them up will fall under the License Termination Plan; is that correct?

MR. MEISNER: No, that's not correct. That's not correct to say.

Anything associated with terminating a license for the drycast or the drycast facility is not covered by the License Termination Plan.

MR. CLEMENCE: No, no. So the active -- lifting out of the pool inside the building that's where it will be done. You're saying that that is not going to be covered in your license?

MR. MEISNER: I said it's not going to be covered under the current License Termination Plan. That process

will be --

MR. CLEMENCE: Well, we're talking about your operating plan, it may not be.

MR. MEISNER: We are, but the operating license doesn't get terminated until after the spent fuel is out of the spent fuel pool and the spent fuel pool has been decontaminated. The fuel itself has long since been out of the pool.

I think that's where the confusion is coming in for folks. The fuel is a separately-licensed entity. And I should mention, too, based on your other comments that there is a proceeding going on now with the NRC on the drycast storage applications, and while we won't be able to answer all of your questions tonight because we want to get to the License Termination Plan, there is a public comment period open with the Nuclear Regulatory Commission for just those kinds of issues that you're raising tonight.

And I don't know if anyone in the NRC is tied in to that, but I believe the public has a period for several months or so -- do I remember that correctly?

MR. LYONS: Jim Lyons, L-y-o-n-s, with the Nuclear Regulatory Commission's ~~Central~~ Spent Fuel Project Office.

The proceedings that you were talking about for the ~~MAC~~ NAC-UMS ~~drycast~~ dry cask storage system, we're in rule making. The comment period on that is closed, but

there's also an amendment in house, too, that's specific to Maine Yankee, and we're working on. And that has not been brought out yet for public comment.

So that amendment for -- it would be a Maine Yankee amendment for the ~~MAC~~ NAC-UMS storage system -- will still -- it will be published within the next several months, and you'll have an opportunity to comment on that.

MR. CLEMENCE: Will the NRC hold hearings such as this regarding the drycast storage here in Maine in Wiscasset?

MR. LYONS: Not that I know at this point.

MR. CLEMENCE: Why is that?

MR. LYONS: Actually, I don't know; we may.

MR. CLEMENCE: You're going to give us a high-level nuclear waste dump even if it's a 30-year temporary dump, and you're not going to look into something; is that correct? Is that our understanding?

MR. LYONS: The fuel that's in the pool is only licensed to be here on this site, and under the provisions of a general license for an independent spent fuel storage installation license, the utility can, if they use a cast that's certified by the NRC, then they can take the fuel out of the central pool and put it in a cast and keep it on the site.

MR. CLEMENCE: So Maine Yankee is not transferring

this fuel as an amendment to their current operating license?

MR. LYONS: That's right.

MR. CLEMENCE: There would be a new license that allows them to do that?

MR. LYONS: It's under their current license. They're currently, under Part 72, the general license provisions under Part 72 they already have a license to have an independent fuel storage installation.

MR. CLEMENCE: Does that mean that they have already gone through?

MR. LYONS: No, it was part of the rule making that was made back in 1991 when they changed Part 72.

MR. CLEMENCE: I do understand that you review regulations, I just want a response to your first group of questions, on Page 24 and 25 it goes to several questions about spent fuels, and it doesn't -- your whole rule making procedure has changed. I just wonder, it's a little misleading when you read this, I have to tell you, it's not part of the operating list, is it, or the decommissioning process the way it's presented here. Thank you very much.

SENATOR KILKELLY: As a follow-up to your point about the cast storage and the idea of having a meeting here, I guess the question I would like to pose the NRC is, when you talk about this, what would be the process for a

similar informational meeting here on that process? And I'd probably be requesting that. So we can talk about that. Thank you.

MR. ~~BRACH~~ BRACK. As I understand your comments tonight, certainly key to the license termination process would be a common characterization plan here to take a look at the environmental impact of your facility, and I have a question that pertains.

In terms of the Maine Yankee spent fuel of the characterization November 22nd, 1999, it's my understanding from the letters of the NRC that that's not available for public review. It's restricted by a document.

And I think my observation here and question, too, would be, doesn't the lack of information about what's in the spent fuel pool if that's not available for public input, doesn't that undermine your license termination process a little bit? And why would that be proprietary information if that document's not going to be available to any interested parties as part of the license termination process?

MR.MALLON: Skip, I think a couple of things. As part of the effort, they did a very detailed assessment of material in the spent fuel pool, the nonfuel material. We used innovative techniques and technologies that the vendors have provided that they protect because it's a technological

edge for them, and they're providing a service of nuclear energy.

What we have done is provided a summary and a document where that proprietary information is removed and that is available at Wiscasset Public Library.

MR. ~~CLEMENCE~~ BRACK: Is it available electronically on the Net?

MR. MALLON: I don't believe it's available electronically.

MR. ~~CLEMENCE~~ BRACK: Why won't that be available electronically?

MR. MALLON: We can see about making it electronic.

MR. ~~CLEMENCE~~ BRACK: And this brings up other questions in terms of this process here of characterizing the site for license termination process.

Go back to 1984 when fuel and water tank spill here and the way that that was presented.

We had a discussion for an hour and a half, and I appreciate the NRC meeting we had, but certainly the way that this information was presented before the GTS report came out, as 26 people curious tending the soil, when in fact the water-change spill involved probably 3 million [inaudible] ~~CT~~ CS-137 in 10,000 cubic foot contaminated soil.

That kind of misinformation sets a precedent. So how are you going to convince us that your characterization that is coming down the turnpike here is going to be a little more forthcoming than that kind of misrepresentation which many people in this room didn't speak out about when the GTS report came out, and you could see that we really had a much more serious spill here which was a red flag?

That's not much radiological significance for residents of Wiscasset, but a red flag in terms of the 7,000, 26,000 meters of water containing that much radioactivity released to sewers.

So that's pretty hot water, and that's sort of a red flag that we have other problems with the fuel. Now, you were certainly forthcoming in describing your 298 nonstandard, however many you're going to have, of fuel assemblies.

Another question here is in terms of the license termination process. Are we going to develop a forthcoming accurate assessment on what the situation is in the spent fuel pool and what the condition is of those fuel assemblies, and especially how much -- what quantity of fission products were lost from these damaged fuel assemblies?

The Licensee, even though you use the words, ~~fail to use~~ failed fuel, and now we have a lot of backtracking

and there's no failures. They're all just like -- but don't we need to understand clearly how much or what quantity of products were released from those fuel assemblies as part of the license termination process?

And then, of course, the question regarding what the consultants raised, what are you going to do and how are you going to safely store the fuel assemblies, can they be stored in drycast mold, or do you have an ongoing process where you're never really able to site those damaged fuel assemblies in the drycast mold and therefore doesn't that project for many years and making it indefinitely? So isn't this an issue that has to be directly addressed as part of the License Termination Plan? And how do you do that?

MR. MALLON: I'm not sure I understand what the question was in there.

MR. CLEMMENCE: The question is the quantity of fission products that has been lost when the fuel, plus the condition of the fuel assemblies, how does that impact your license termination process?

MR. MALLON: The first question about the quantity of material, there is no way to answer that. It isn't relevant to the decommissioning.

The second question about the condition of the fuel assemblies has been answered. There's been a complete Federal inspection of every fuel assembly in that spent fuel

pool. To understand how it needs to be handled and placed into the drycast storage system, that system has further been -- is in the process of being licensed by the NRC, and they take consideration of the condition of the fuel as part of that licensing of that system so that we know that we can put the fuel into the drycast system and ultimately the instate of the site is to understand the radioactive material that remains on the site that ensure that any residual material is at such low levels as to give a does to a person who might be living here or working here in the order of 10 millirem for all exposures and 4 millirem.

Mr. CLEMMENCE: So you don't share the Governor's consultants concerns with the information of the fuel assemblies and how that might impact drycast storage systems?

MR. MALLON: No, I'm sorry and I wouldn't say that. I think part of answering those questions is understanding how the fuel is put it into the drycast to make sure there is no residual order in there. We put the fuel in there so there is no water in there, and that's one aspect of that to make sure that that concern is addressed.

MR. ~~CLEMENCE~~ BRACK: Back to your last comment there. In terms of the losses from the damaged fuel assembly, that would be a critical part of the characterization process to deal with that issue in a

forthright manner to try and track the locations of where the fission products went that were lost from the damaged fuel assemblies.

Some of those may have been remobilized by heavy rainfall event here, so I have personal doubts about the accuracy of your upcoming characterization. The thing of the past representation about the fuel and the water tank are still an indication of what's coming down the turnpike there. I certainly think there's a lot of unresolved questions.

SENATOR KILKELLY: Thank you. Patricia Philbrook.

MS. PHILBROOK: I'm a nurse practitioner, and I represent the Maine State Nurses Association.

We unanimously voted to close down Maine Yankee based on health effects. There is no safe level of radiation. When we talk about cost effectiveness that we heard tonight, it would be the nurses in Maine saying that one leukemia, one additional cancer, one more heart illness is not acceptable.

My question is with the surveys that you'll be doing. Will that survey be alpha, beta, and gamma radiation or will it only survey gamma radiation?

MR. MALLON: Parts of the characterization of the site is understanding what radionuclides are present on the sites. We've done an extensive characterization of the

site. That has shown us that our predominate radionuclides are those that decay by emission of beta and gamma radiation.

We do, however, take measurements of alpha radiation; that is not a primary health hazard. So we will gear our measurements to those radionuclides that represent the primary health hazard. We will not ignore the alpha emitters; we will continue to do surveys for them, but it is a less frequent level because those are not the main contributors to the dose.

MS. PHILBROOK: Although an alpha is submitted, I mean, is ingested, it does cause cancer. So it is very potent. I mean, plutonium.

MR. MALLON: When we do this we consider the biological damage to the radionuclides, so we do consider alpha emitters through the dose models contribute more damage.

And what I'm speaking about is not the levels but actually what a dose-weighted level alpha, and still is much lower than the AF during emissions.

MS. PHILBROOK: So, if I heard you correctly, you'll mostly only be surveying beta and gamma and that was the gamma?

MR. MALLON: It would depend upon the area and what the measurements were, yes.

MS. PHILBROOK: The last suggestion would be is be more specific, your surveys, how often, where?

MR. MALLON: Those descriptions are in the License Termination Plan for a Class 1 area which would be an area of the plant where there was significant contamination. It would be 100 percent scan of areas followed by a number of direct measurements so that information -- is that Chapter 5, I think --

MS. PHILBROOK: Yes, I'd like it in the surrounding areas, maybe the water, you know, where the contamination could spread. That would be a suggestion of what we would like to see.

Rubblization. It sounds to me that really is a nice word for a dump site even though it might be lower levels, and don't we have a referendum? Wouldn't it go to the State voters before that could be part of the plan?

SENATOR KILKELLY: That's the issue that the legislation that was recently passed dealt with in terms of setting a standard, the initiatial referendum process, and having that standard begin at the 4 millirem process, amount, and then that would trigger a referendum, and I'd be happy to share that legislation with you and also any other information that you might be interested in.

MS. PHILBROOK: So if we don't have it in the plan for 10/4, not an amendment, 10/4, then we would go to

referendum?

SENATOR KILKELLY: If the site did not meet 10/4, then, yes, it would go to referendum.

MS. PHILBROOK: So then we're guaranteed that it would be part of the plan?

SENATOR KILKELLY: That's the intent of the State laws that we would meet 10/4 and then obviously with the Licensee needs to make sure that that happens.

MS. PHILBROOK: Okay. And the NRC then, they respect that? Instead of doing your 25, would you respect the 10/4?

MR. WEBB: Well, their standards are more stringent than ours and the regulations for the radiological criteria license allows the State to impose, again, more stringent and richer requirements, so, yes, they would be met.

MS. PHILBROOK: I'm sorry. I'm assuming that the NRC will monitor, and you said you will only monitor up to 25; and I'm asking would you then change your requirements to monitor the 10/4?

MR. PITTIGLIO: The answer is, no, and I've already answered that question. We will inspect against the 25 millirem plus ALARA criteria in our regulations. If the Licensee commits to the State or any other entity --

MS. PHILBROOK: Thank you. Marge, who will be

monitoring the 10/4?

SENATOR KILKELLY: The State will be doing that and there are folks who will be speaking afterwards.

MS. PHILBROOK: Thank you. The spent fuel rods. The agreement, if I heard correctly for the ~~drycast~~ dry cask, was in 1991. I believe this is outdated and this, too, our fear is that these ~~casts~~ casks will be filled and remain there forever. I don't know if there's any history of removing ~~dry cast~~ dry casks, but I would like to see that as a provision, as soon as the ~~drycasts~~ dry casks are filled that they leave the site immediately. Thank you.

SENATOR KILKELLY: Brooke Barns.

MR. BARNES: Good evening and thank you NRC for travelling here to Wiscasset to hear Maine citizens and give us the opportunity to comment on the License Termination Plan.

I'm Brooke Barnes. I'm the Deputy Commissioner of the Maine Department of Environmental Protection. The DEP is a State regulatory agency that's responsible for reviewing the siting and waste management applications and issuing State decisions for the decommissioning of Maine Yankee.

So the radiological aspects of that process are going to be analyzed for us by the Maine Bureau of Health, and Dr. Phil Haines is here tonight to speak directly to us.

My comments address two concerns.

First, the current LTP before you does not describe what Maine Yankee will actually be doing to decommission the site.

Second, the environmental analysis presented in the LTP is inadequate.

Regarding the first concern, as a regulator I appreciate the absolute need for a credible and transparent process that thoroughly examines a project. It's a requirement that directly impacts the public confidence in the decision.

As you know, the State has concern about the NRC reviewing a hypothetical LTP that we all know will not be happening, while the State reviews a plan that describes what really is occurring on the site. The only result can be confusion and miscommunication.

Let me quote from a letter that Maine Yankee sent me describing their waste disposal plan. In that letter Maine Yankee explained that one of the reasons that the LTP is important is, "as a tool to give the public and regulators confidence that the site has been adequately remediated and is safe for reuse." Without an amended LTP that accurately reflects what is going on, that confidence will not exist. I was very pleased this evening to hear that Maine Yankee is committing to amending the LTP to

accurately reflect the issue.

Regarding the adequacy of the LTP, I believe that the decommissioning proposed by Maine Yankee is very different from the usual matters that the NRC considers. We, at the DEP, have only recently come on to the scene to deal with Maine Yankee, because past issues with the site have been focused almost entirely on the radiological side.

Over the last several years we've gone through a difficult process of working with Maine Yankee and its contractor to think about the environmental issues at the site.

It's required a change on their part to appreciate the gravity of the traditional environmental concerns that are raised by decommissioning. Just as it's hard for me to appreciate all the nuances of radiological contamination, I don't understand, Jamie, what you're saying most of the time, I believe that in order to make a finding of no significant effect on the quality of the environment, Maine Yankee and the NRC must carefully analyze the non-radiological contamination caused by decommissioning, because decommissioning is not just about radiation. In fact, it may well be that at this site the potentially significant environmental impacts are traditional concerns such as pH and other conventional contaminants -- PCBs, heavy metals, and painted concrete.

Other contaminant releases are also known to occur at the site. That's why in order to satisfy Maine law, Maine Yankee will be developing detailed information on these eventual environmental issues, the same kind of issues that are relevant to environmental assessment.

Many of the comments in Section 8 of the LTP are conclusory, designed to show that the proposal is bounded by an aged GEIS environmental impact statement, that did not contemplate rubblization.

Instead, this section should recognize the site-specific facts and the very dynamic nature of the decommissioning process. The version before you does not, as the following examples illustrate.

The LTP says flatly that cured concrete does not leach free caustics, but work by Maine Yankee's own consultant demonstrates that rubblized concrete will leach caustics, raising the ground water locally to a pH of above 12.

What impact will this caustic ground water have on the leaching of metals and other contaminants? Maine Yankee also states in the LTP that no long-term ground water protection plan is required.

It's conceivable that a full analysis of the impact of rubble in the ground water would lead to a different conclusion. In addition, I think it's already

been noted by Maine Yankee, there are many still outstanding issues left open from the preliminary site characterization. Additional characterization work is ongoing.

Another critical question is just how much concrete contaminated with low levels of radiation is expected for rubblization? In the LTP, 209,000 cubic feet is anticipated. In recent presentations to the DEP, the volume has been put at 475,000 cubic feet. Under the currently-passed Maine law, that volume is now zero. Which is it that the NRC is going to evaluate for the License Termination Plan?

Thirdly, there are two specific pathway concerns that weren't addressed. When you grind up a large volume of concrete, air emissions will occur. Given a cursory note in the License Termination Plan, but how will the NRC evaluate the exposure and transport of those air emissions? From the current LTP, the public can't know or even speculate.

In addition, the forebay that's been the recipient of both regulated discharges and ground water discharges, yet the LTP contains no specific analysis of contamination within that structure. Just two examples of specific pathways that didn't seem to get appropriate attention in the LTP.

In conclusion, I urge Maine Yankee to submit to the NRC all of the information that Maine Yankee must submit

to the State so that the NRC and the DEP, as two regulatory agencies, will be looking at the same project. This can only result in a more efficient process for Maine Yankee and with even greater public confidence in the outcome.

Thank you again for coming to Wiscasset, and I look forward to a continuing dialogue.

MR. CAMPER: Thank you. Larry Camper, Chief of Decommissioning Branch.

I want to thank you for your comments. I think for your benefit over the last week, Phil Haines, Brooke, and myself, and my division directors and others in NRC, and the State of Maine regulators and along with the EPA Region I, some of them had questions that we worked through Brooke has touched upon tonight, and we have touched upon them as well in terms of what does the recent Maine legislation mean to Maine Yankee LTP.

I'll make a couple of comments. One, we have in the letter to Maine Yankee of May 9 asking them and ask that they respond in 30 days as what change they thought the legislation might mean to be in order for the LTP. So we'll wait to get that written response and documented response from Maine Yankee. Mr. Meisner has, of course this evening, has pointed out they do intend to make some changes to the LTP.

A question that's come up several times is what

can the State of Maine do to get to closure on your standard? Your standards are more conservative arguably than that which is embodied in your regulations.

The Commission has settled upon a 25 millirem and ALARA standard in our License ~~Commission~~ Termination Rule. The Commission believes and continues to believe that is an adequate number to protect both ~~beyond the~~ health and safety. I won't go into all the background as to why we settled on that number, because ample discussion of that is contained in the consideration of the rule and is consistent with what's going on in international circles.

Now, what will happen is this: Maine Yankee has submitted a License Termination Plan to us. It has been designed to satisfy our rules which contains the standard I said of 25 millirem ALARA. The State has now imposed a more restrictive standard, a lower number, the 10/4 numbers that we're talking about.

It is incumbent upon us and it is our responsibility and obligation to evaluate the LTP at our regulation level, at our standard. We have no regulatory basis; we have no ~~stension for~~ intention of going deeper than that or conducting a more restrictive analysis than that. Without that basis we cannot do that.

Now, what does that mean as a practical matter? When we evaluate the LTP, we will be looking at three

things: One, does the Licensee ultimately demonstrate that in an average number of the Federal population does not exceed 25 millirem and that the approach is ALARA?

In the course of doing that we will also be looking at the model. Does it include all pathways including water? What type of devised conservation guidelines have been presented as a result of that modeling approach? What kinds of measurements are going to be used to ultimately verify the finding to demonstrate that model and that approach?

Now, in the course of during that, we were looking at a survey methodology, the surveys that will be used, what the findings ultimately are. And the point I want to make is this: While we will not make a determination as to whether or not the State remains at 10 and 4 for the reasons that I said, there will be ample -- there should be and will be ample findings and adequate information as to due process that should allow the State of Maine regulators to look at the LTP and our review and our ultimate surveys to adequately assist in making the decision that they want to make to satisfy the State of Maine law.

And we certainly will be happy to answer questions that the State might have along in that process, and certainly we would more than happy to share in our thinking and observations as they work through in reaching that

conclusion similar to the kind of conclusion that we will have to meet in a Federal standard.

MR. MEISNER: I think this is all good comment and appropriate questions and things that it's going to be Maine Yankee almost to answer.

Regardless of which regulatory agent, we need to satisfy all of the stakeholders. It does strike me, as Brooke said, that what we're seeing to some degree is the different focus and emphasis that ~~the emphasis~~ has been brought to the table. Where the DEP is primarily looking at nonradiological issues, Maine Yankee tends to focus on radiological issues, as does the NRC, and sometimes we don't understand as well as we should what those different signs involve.

But one thing I noticed we seem to be converging more, whether or not all the regulators will eventually get together in one count set of requirements or approaches, I don't think it's all that important as long as both the regulators and the Licensee all work together to share in this information. I think that if we do that, then we can end up satisfying all parties.

DR. HAINES: Good evening. I'm Dr. Phil Haines, Deputy Director of the Bureau of Health, the Maine Department of Human Services. I want to thank you for the opportunity to address the Nuclear Regulatory Commission on

the subject of Maine Yankee's decommissioning, which is a matter of great importance to the people of the State of Maine.

Maine Yankee has committed itself to a prompt, efficient, and safe decommissioning with the goal of leaving a site available for free release to most or all uses. As it's undertaken the planning of mobilization of this project, it has attempted to meet NRC regulations first and foremost.

It is to Maine Yankee's credit the company has come to realize that there are State of Maine issues which also require attention. The company has, over the last five or six months, shown a much greater commitment to providing specific protections and assurances to the State and its people. The company agrees to state monitoring and assessment of the site, passage of recent legislation required more protective final site release dose standards, and maintains, in general, an attitude of cooperation with both the Department of Environmental Protection and the Department of Human Services. This is testament to the company's serious commitment to the safety of Maine's people.

In addition, the company and the contractors have made a major improvement in the safety culture of the work site and in the general oversight and performance monitoring

of the decommissioning process.

Nonetheless, there are some serious issues before us tonight as you begin your review of the Maine Yankee License Termination Plan, the LTP. I will address the major ones here tonight, including a broad overview of technical concern, and we will provide, in writing, detailed discussions of more technical concerns.

First and foremost, as has been verified by Mr. Barnes, we must characterize the present LTP as inadequate in that it describes a decommissioning process and standards which are totally inconsistent with recent Maine law regarding site dose standards. In addition, Maine Yankee's discussions with us have covered multiple iterations of the actual, physical process of disposal of radioactively contaminated concrete and other materials.

In accordance with the NRC's own rules, it should be incumbent on Maine Yankee to submit a full and complete LTP which is consistent with the actual decommissioning which is to take place, including full documentation of compliance with Maine law.

I will now enter into the record a letter from Governor Angus S. King, Jr., addressing this issue.

It is addressed to Richard Meserve, Chair of the United States Nuclear Regulatory Commission. It was mailed today by certified mail.

"Dear Chairman Meserve:

We want to express our approval and support of the U.S. Nuclear Regulatory Commission staff request to Maine Yankee Atomic Power Company to update the License Termination Plan. In a letter dated to Maine Yankee on May 9, the NRC indicates that it intends for Maine Yankee to document in the LTP the Company's current as-to-be-built decommissioning plans.

Recently Maine Yankee signed an agreement with several Maine groups to support legislation requiring it to undertake decommissioning in a significantly different manner than described in the current LTP. Rather than scabblizing and rubblizing concrete to produce a dose below 25 millirem, plus ALARA, Maine Yankee has agreed to reduce the level of contamination to below 10 millirem total, and 4 millirem ~~or~~ for the ground water pathway (hereafter the 10/4 standards). In addition, all above-ground concrete must be cleaned to the levels specified by NRC Reg. Guide 1.86.

This statutory requirement to meet the 10/4 standards means that the LTP Maine Yankee submitted and is the subject of this proceeding is outdated, as the NRC has recognized.

Under the NRC's regulations, it may not approve a license termination that does not reflect the activities that Maine Yankee will, in fact, perform during

decommissioning. The NRC's rules specify that the License Termination Plan must include actual, not hypothetical or conceptual, plans for site remediation in the final radiation survey. See 10 CFR 50.82(a)(9)(ii)(C) and (D). Moreover, the NRC may not finally terminate the license unless the "dismantlement has been performed in accordance with the approved License Termination Plan." 10 CFR Section 50.82(a)(11)(i). It is critically important to the State of Maine that the NRC implement these regulatory provisions requiring the review and approval of the substantive changes Maine Yankee has made in its approach and criteria for license termination that now make its January 13th, 2000, proposed plan and application obsolete. Given the relatively early stage of the review process, the NRC has done well to require that Maine Yankee amend the License Termination Plan to reflect the known reality.

Accordingly, the NRC should require Maine Yankee to answer at least the following questions:

How does Maine Yankee plan to meet the 10/4 standards?

What unexamined impacts or risks may be created by using alternative, unproven methods and standards?

What will be the NRC's performance baseline now that there has been a substantial change in the LTP?

This project is vitally important to both the

citizens of the immediate site area and to the State as a whole. We commend Maine Yankee and the decommissioning project's staff for maintaining the high safety standards at the site according to reports we received last week from the State Technical staff. The State plans to use its applicable regulatory processes to ensure the Maine Yankee's decommissioning is conducted in a safe and efficient manner and that it will be completed in a way that gives the public confidence in the result. We applaud indications that the Commission will do the same. Sincerely, Angus S. King, Jr. Governor"

I do wish to commend the NRC also for the recent letter to Maine Yankee requesting additional information specific to the company's plans for meeting Maine requirements. And I want to further commend Maine Yankee for its commitment tonight that it intends to revise it, the License Termination Plan. It's a step in the right direction.

If Maine Yankee submits a fully amended plan addressing our concerns, the matter will be resolved. Merely submitting a few pages of facts or making minor adjustments will not be sufficient.

A second matter which the NRC should address promptly is the lack of an environmental impact statement covering certain processes described in the current LTP.

Specifically, burial of rubblized concrete is a new procedure not covered in the existing generic environmental impact statement, nor in any other GEIS of record.

The NRC in its consideration of a revised GEIS is addressing this. However, the revised GEIS is not likely to be ready in time to review this LTP. Absent an applicable GEIS, we believe that a full environmental assessment should be done to determine if a specific EIS is necessary to properly consider the potential risks in the proposed plan.

On a more technical note, four general areas of concern should be mentioned here.

First, the LTP does not adequately address all potential components of the source term necessary to evaluate compliance with radiological criteria, establish appropriate guidelines and perform the ALARA assessment. In certain cases specific source term components may have been considered during the development of the LTP, however, the document does not provide supporting descriptions and justifications necessary to independently evaluate.

Second, certain assumptions and parameters employed in the ground water model (DUST-MS code) for the eventual purpose of establishing criteria for residual radiological contamination and activation in concrete to be rubblized and left on site are not described or justified to the extent necessary to independently evaluate the adequacy

or accuracy of the proposed decommissioning alternative.

Third, there are deficiencies in the final status survey plan, including deviations from the MARSSIM-recommended approach, which should be resolved.

Fourth, the LTP does not clearly identify all aspects of the continuing decommissioning activities, where involvement and input for the State of Maine and other stakeholders should be integral to the process and a factor in the eventual decisions.

A written submission will be prepared, describing in detail, the State's concerns.

We wish to commend Maine Yankee for its detailed plan, particularly tonight where it announced its intention to revise that plan. We also thank the NRC for giving us the opportunity to meet with you and especially appreciate your recent letter to Maine Yankee requesting details on the company's plans for revising the LTP.

The revisions to the current LTP would not be complete without providing the public another opportunity for input, thus we presume there will be another public meeting when the revised LTP is available for inspection and comment.

We look forward to the opportunity to meet with you again, expecting to be able to comment more favorably on such a revised LTP.

SENATOR KILKELLY: Thank you, Doctor.

MR. ROSENSTEIN: Good evening. My name is Marv, M-a-r-v, Rosenstein, R-o-s-e-n-t-e-i-n. I'm the Associate Director from the Office of Ecosystems Protection, U.S. Environmental Protection Agency, Region I office in Boston.

I guess the hour's late and the last thing you want to hear from is another Federal bureaucrat, no offense to the NRC or my fellow EPA people who are up here for the meeting. It's difficult. I have a six-page statement here and everyone's already said what I wanted to say, but I think I'd like to reiterate a few facts, if I may.

I want to preface our concerns by just explaining a little bit about EPA's potential roles and responsibilities. So let me start out, first of all, by thanking the Nuclear Regulatory Commission in commenting on the LTP submitted by Maine Yankee. We recognize that tonight's public meeting is the first of a number of steps in a license termination process and that NRC has not had an opportunity to fully evaluate Maine Yankee's ~~com~~submission.

EPA is confident that the NRC process will yield their recent and careful examination of the decommissioning and will result in a cleanup that is protective of public health and the environment. And we offer our comments tonight mindful of that objective in a spirit of inter-agency cooperation.

We've been working for some time now with a number of the stakeholders involved in the Maine Yankee decommissioning, and there has been confusion from time to time about the responsibilities. Let me first state that the EPA recognizes that NRC has Federal primacy for the cleanup of radiological contamination at commercial plants undergoing decommissioning; and we are very sensitive to the issue of whose regulations by Federal agencies are committing to avoid further regulation to the maximum extent possible.

But EPA must carry out its on explicit statutory authorities as well as being responsive to requests from State agencies for technical assistance and requests from other stakeholders for information and assistance. In the case of Maine Yankee, we received such requests from the Maine DEP, the Maine Bureau of Health, the Maine Yankee Community Advisory Panel, and number of other citizens.

EPA's goal is to work cooperatively with all parties in a wholistic approach that will insure the cleanup of Maine Yankee and will be protective of the environment and public health, as well as a mutual understanding of the Federal and State regulatory roles, and to maximize public understanding and participation. In doing so, we also hope to avoid future regulatory problems, foster opportunities for collaboration, and achieve cost efficiencies for all

agencies.

While NRC has the Federal responsibility for radiological contamination of its licensees, EPA has the Federal responsibility for chemical contamination. In the event that chemical contamination is put in with radiological contamination, both the EPA and NRC must collaborate to address such mixed-waste issues.

EPA may also need to consider radiological aspects of the decommissioning as part of the statutory responsibility to advise other Federal agencies, including the NRC, on their compliance with the National Environmental Policy Act, or NEPA.

In the case of Maine Yankee, it's important to know that EPA has not exercised any direct regulatory responsibility for either radiological or chemical contamination. The major responsibilities for chemicals plans have been assumed by the State, as has, as I mentioned before, requested our technical assistance.

The Maine DEP has assumed the Resource Conservation Recovery Act, or direct action program, and to the extent that PCBs may be present, the EPA is coordinating its toxic substance to control those responsibilities within the EP.

For radiological contamination, the State of Maine has its own regulations, as we've heard tonight, and it's

also requested our technical assistance to the Maine Bureau of Health.

The following three comments have arisen out of our preliminary review of the LTP, our goal in assisting the State of Maine in both chemical and radiological issues in our discussions with the State, the NRC, and other stakeholders.

Our first comment is that the LTP should present the cleanup plan of Maine Yankee has to implement. We understand that NRC has sent a letter dated May 9th to Maine Yankee requesting that it address how the newly-enacted Maine legislation will impact the content of the LTP. And we're certainly interested in Maine Yankee's response.

We are very pleased to hear tonight that Maine Yankee intends to submit additional documentation to the actual cleanup plan; and I would reiterate that it stands for the following reasons, we feel that as a matter of public safety and potential of environmental impact, that complex matters like this need to be subject to expert agency review, they need to be subject to adequate public scrutiny.

The rubblization technique that has been documented in the current LTP is somewhat an untried and controversial disposal technique for a commercial plant of this size. EPA previously expressed its concern about this

technique at the invitation of NRC in its December 2nd letter, 1999, to NRC.

While we understand that NRC may elect, based on its performance-based regulations, to consider any form of rubblization as submitted in any licensee's LTP on a case-by-case basis, we feel the actual plan and use of the document be justified and reviewed by all the regulatory agencies, the public, and other interested stakeholders.

Our second comment tonight is that the LTP as submitted might require additional clarification or information to address a potential technical deficiency or inadequacies. It's hard to comment completely on this aspect considering that Maine Yankee intends to revise the plan, and, again, we're glad to hear that, but our preliminary review of the LTP revealed a number of potential concerns regarding the adequacy and the extent of site characterization, the numerous modeling assumptions used to justify rubblization, and a final site survey.

As I said, these concerns are of a technical nature. Some may be easily addressed while others may require additional information or clarification or justification. We understand that the NRC is far from completing its own evaluation; and perhaps the NRC may have already identified in its own reviews some of these same concerns.

In any case, we look forward to the additional material that Maine Yankee will be presenting, and we will be available to present more detailed comments on that in the future for both the State and the NRC.

The last comment that I wish to make is that Maine Yankee's environmental supplement, or Chapter 8 of the LTP, is as mentioned a couple of time already tonight, conclusory throughout and may be a little too late to NRC, which is responsible for assessing the environmental impacts associated with the decommissioning in accordance with the National Environmental Policy Act.

As I said before, EPA does provide advice to all the Federal agencies as they develop documents such as environmental impact statements. We advocate for processes used in creating these documents to afford early and substitutive opportunities for public involvement, and that it evaluates adequacy for the agency's environmental review.

EPA recognizes that NRC is not against evaluating the proper the improper environmental impacts with the decommissioning activities at Maine Yankee. We look forward to working with NRC as appropriate as NRC begins this task.

Although NRC has not yet produced an environmental assessment or environmental impact statement for EPA or any other stakeholders to review, we believe that it is important to comment to Maine Yankee's environmental

supplement because the information it contains is meant to serve as the basis for NRC's subsequent supplement documentation.

EPA's main concern about the environmental supplement is that it is conclusory nature; it does not fully explain the anticipated decommissioning activities to be undertaken at the associated environmental impacts.

In the instances where it concludes that environmental impacts will be minimal or nonexistent, it sometimes fails to substantiate those claims. The subsequent does not account for the changes to a site that may have occurred during an operation of the plant at very early stages of decommissioning and tends to define environmental impacts in terms of human health risks with little attention to ecosystems impacts.

The supplement also relies almost exclusively on generalizations contained in outdated tiering documents such as the 1988 generic GIS. Decommissioning does not cover the rubblization technique at a 30-year-old site. Neither document did not address decommissioning.

EPA applauds NRC's plans to update and revise this GEIS at decommissioning, and we will be advising NRC during that process as NRC has requested us to. But the EPA questions the usefulness of Maine Yankee's reliance on the outdated in the meantime, especially without additional

site-specific environmental information.

EPA also disagrees with Maine Yankee's contention that NRC may not be clear to an environmental assessment or an environment impact statement on the grounds that the Commission work is categorically to a excluded, quote, from the LTP for the need to review.

We do know that given the somewhat experimental nature of rubblization that potential impacts of ground water and surface water associated with varying radioactively concrete on site and the degree of public scrutiny or controversy over the decommissioning and shortcoming of existing documentation that the preparation of an environmental statement may be warranted in this case.

SENATOR KILKELLY: Mr. Rosenstein, can you please --

MR. ROSENSTEIN: I'm at the end. Thank you for the opportunity to comment on the Maine Yankee LTP. We look forward to working with you and providing additional detailed comments to NRC as the LTP review proceeds. We hope that our comments have been helpful to all the stakeholders in understanding EPA's role in decommissioning. Thank you.

SENATOR KILKELLY: Victoria Donaghy.

MS. DONAGHY: My name is Victoria Donaghy, D-o-n-a-g-h-y, and this is my son Acey.

I am a homeowner in Waldoboro and mother of three children, and I'm here on behalf of my children and out of concerns for future generations of children.

And I ask Maine Yankee and the NRC to vow to dot and to maintain the highest standards as possible for the cleanup of the Maine Yankee site. Please, consider the health and safety of the children of Maine and of the Maine public itself.

I was born and raised three miles downwind of Maine Yankee. After a very healthy and careful pregnancy, in June of 1997 Acey Gabriel was born with a severe unilateral cleft lip and a partial [inaudible]. As we all know, no level of radiation is a safe level, and we know, I know, that chromosomal damage is a real thing; genetic mutation is a real thing.

Can Maine Yankee and the NRC guarantee that the legacy of Maine Yankee will not include generations of children suffering from birth defects and ill health?

MR. MEISNER: I think I can assure you that we are probably going to have the best decommissioning that's ever been done in the country.

We can talk, as we've talked in many of these meetings, about the low-level, the types of low-level radiation, and, you know, we will probably disagree as often as we agree.

Maine Yankee is dedicated to making this a safe decommission. There's no vested interest for Maine Yankee to do anything else, and I would venture to say that the NRC is in that same position.

MR. CAMPER: Certainly the NRC is very concerned about the issues that you're raising. I said a few moments ago that the standards that are set in our regulations of 25 millirem ALARA, it's adequate to protect public health and safety.

Protecting public health and safety comes with a broad spectrum of possible consequences and very conservative numbers have been chosen. It's a number that is consistent, ample amount of sites and data information, it is a safe number. The Commission would not have settled that number. As we find ourselves now, some organizations, Federal agencies, or State local organizations strive and choose lower numbers, but I believe that it's truthful to say that all of the numbers, whether it's 10, 15, or 25, are adequate to protect public safety.

And those of us who work in the area of physics and radiation safety, those numbers are safe. So we are very concerned with the types of things that you're talking about.

MS. DONAGHY: Why not always choose 10? Why not go the extra mile for every unborn baby, for every possible

complication that could arise in the future, why not always choose 10?

MR. CAMPER: Well, to give you a thorough answer perhaps that would ultimately satisfy you will take a very technical jargon and scientific stuff that probably most of us just don't want to hear about tonight.

But let me say this: While 10 is a lower number than 25, the consequences, or the perceived consequences, from 10 versus 25 are not necessarily less. It depends upon a lot of things such as type of assumptions, dose modeling, the particular nuclides involved. So while I can understand your questions intuitively, why not just go with 10, we have to balance 10, or for that matter zero, versus 25 with costs to get there.

I mean, everyone would agree that zero is a better number than 10. There's costs that go with that, and the question that we have to ask ourselves as regulators is, is there evidence that demonstrate the benefit, the real benefit derived from that cost is there?

And, again, considering cost analysis, considering scientific data, considering all categories of health consequences like the ones you are alluding to, were considered in developing again what we believe to be a standard 25 millirem.

DR. BELLAMY: If I could address something a

little more concrete. You talk about insuring that Maine Yankee uses the highest standards here during the decommissioning. I have three of my inspectors here tonight, and I expect them to come back and tell me that Maine Yankee is not using the highest standards practicable for the cleanup here. And that's happened.

And we thought that the issue was significant enough that I and your senior manager in the region made a specific trip up here in mid-April, I want to say it was April 17th or April 20th, to specifically talk to them about some of those issues. So we are as concerned, I think as you are, that the highest standards of decommissioning and practices be used.

MS. DONAGHY: I have another question. In respect to your comments about models for dose assessment, I would like to know if you created a model for dose effects on a child? Have you created a model for a dose effect on a developing baby?

MR. MALLON: As Mr. Camper said, this gets into some very large technical discussions. What is done in the dose model is, and actually John, could you throw up the dose slide, please.

The dose model considers the person's role in the environment and all the possible pathways that radiation exposure can happen to that person. It considers how the

radioactive materials is taken up by the person and this is a dose pathway slide that shows at the very bottom is man, and it shows how radionuclides can move through the environment and ultimately deposit in a human and cause radiation exposure.

And the point about dose modeling is the amount of data that goes into developing that dose model and developing how you convert a man-made material to a does. What is defined in the regulations is a critical group and that is a group of people who, by their behaviors and what they're doing, cause them to be among the most exposed in the core population; and we define the dose standard for the average member of that particular group.

In the case of Maine Yankee we have taken the resident and the LTP. It is the resident, and that is for someone living on the site, drinking water right out of where the rubble is, and that's the primary pathway.

And this goes back to the 25 versus 10. It is highly unlikely that somebody is going to farm that site, that someone's going to have dairy cattle, and beef cattle, and drink that. The likely use for that site is an industrial scenario and that's what we're working on with the Town of Wiscasset. In that case, the Wiscasset water on the site.

This dose issue is a calculation issue. It isn't

real radiation exposure.

MS. DONAGHY: With my limited knowledge, I find it hard to believe that it's not a real radiation issue. As we all know, children and infants, you know, the ratio of the toxins that they absorb is greater than an adult.

You have an infant and you have an adult, and the infant is going to suffer more severely from the same dose than an adult would receive. I think that -- I'd like to know that you all would consider the effects on different sizes, ages of people.

I'd like to know, also, we talked about dose effects specifically what you're talking about?

MR. MALLON: I'm sorry, I don't understand.

MS. DONAGHY: What are the specific dose effects? What are you looking for specifically in your model person?

MR. MALLON: There would be no dose effects. A millirem is a unit of biological damage from radiation exposure. The 25 millirem corresponds to serve in active biological ~~benge~~ damage. That can be translated to some small cancer risks. Does that answer your question?

MS. DONAGHY: Yes. Those are all my questions. Thank you.

SENATOR KILKELLY: Charles Ipcar.

MR. IPCAR: My name is Charles Ipcar. That's I-p-c-a-r.

What I'd like to do is switch my position with Ray Shadis at this point if that's okay with the Chair?

MR. SHADIS: Thank you. My name is Raymond Shadis. Last name is spelled, S-h-a-d-i-s.

I'm here tonight to speak on behalf of the Friends of the Coast. I will say that my prepared remarks have been somewhat undercut, and I'm pleased to have a lot of the issues that I wanted to raise addressed by the State of Maine. I am pleased to see that Governor King once in a while does something right, and I will acknowledge that freely and thank you for it.

In fact, NRC regularly, habitually, daily, day-in and day-out, every week of the year accommodates the nuclear industry on just about everything that they ask for. I can't think of an industry that has been turned aside in the last few years, any major initiative, to weaken regulation, to set aside standards to allow the industry to experiment on site on the populations that they serve.

And so I find it very strange that in given this one opportunity to do something right by way of increasing public safety, the NRC is so terribly reluctant to make a move to oversee and certify and validate this particular State standard, radiation standard, a shame.

And it's unfortunate. I know that a lot of you are gentlemen with confidence, and it's a shame that you

can't repeat what is policy from headquarters which is to hold out at whatever costs for a much more laxed standard. You cannot pass any straight-faced test by saying that the standard which is two and one-half times more slack than another given standard is all about the same stuff. It is not all about the same stuff, and we know it's not.

We know that even under the 10/4 standards that the State of Maine has now adopted, that the maximum contaminant levels reach a -- they reach a risk level which is not acceptable. We know that we're talking about risk levels in the 10 to the -3 or 10 to the -4, and that's getting pretty dicey for the very radionuclides that you guys say are the most predominant under your cleanup.

So we're not cutting way out there in some far off super extreme level of cleaning up when we talk about going to 10/4. That straight 4 millirem on a water standard is extreme.

When Charlie was walking up here, I was shuffling around my papers in the back looking for something that came in just today, and there's a fellow that just did a whole series of pictures on a nuclear landscape and was awarded a national prize for his photo display, and he went around to look at the nuclear sites, and he went to nuclear labs and so on. The photo that I was looking for, which is a very poor copy and is sitting at home, is a photo of the lung

tissue of an ape, very much like the lung tissue of a human being. And what it shows in this picture which is magnified on an order of 500 times, it shows a white dot in the middle of that lung, and that little white dot is a particle plutonium.

And then radiating out from it just likes ~~traps~~ tracks in a cloud chamber radiating out of the tracks, the alpha tracks, through that lung tissue; and in only 500 magnification, you can see them slamming through that lung tissue.

And so I don't think that we can dismiss as one of your panel members did the notion that alpha's not that big of a concern. It's a big concern and you know it.

You know that Maine Yankee is doing a derivative of sampling. That is to say, they are making gamma after extrapolating backward to guess how much alpha is hidden beneath the curves and the corrugated metal of your low-level waste building that you now use as a staff building for your [inaudible].

So, I think we need to be -- we need to step away from, gentlemen, is what I'm suggesting to you. Maine Yankee, the community of Wiscasset, and the State of Maine don't owe a damn thing to the nuclear customer. It's time for a divorce. What will be good for the owner companies of Maine Yankee is to continue on the path that Maine Yankee

has taken to look at what community sensibilities are and to build on them.

We've come a long way away from what the industry standard track is; and there's a lot further to go because you've agreed to do the testing Friends of the Coast has put forward in the -- in the preferred case -- you've agreed to go to the 10/4 thing long before it ever got near legislation, and you've agreed to not bury radioactive concrete rubble.

And you NRC guys that are smirking about 1.86 thing, I just want to tell you that that's not the agreement, not wholly. Here's our agreement. And what we have here is we having a binding contract among the parties.

The Town of Wiscasset signed on but that's a useless appendage. They didn't have anything to do with the dealings. They didn't have anything to offer. In fact, the Town of Wiscasset, God bless them, paid money to a lawyer to go in and fight for a waste dump.

Let's look at this agreement in just a second.

And you know, Marge, by the way, Marge, I did want to -- and I apologize for that two- and six-minute thing. When I hear your voice, I hear Maine Yankee, I tune it out.

MS. KILKELLY: Well, I'll accept your apology. And you are at two minutes.

MR. SHADIS: We agree that compliance of the

26.88 [L.D. 2688] means that Maine Yankee will refrain from on-site disposal of any materials that in common usage would not be termed clean; that is, such minimally detectable radioactivity as to be qualified for a disposal in nonradiological or ordinary landfill disposal facilities.

We understand, also, we understand that compromise amendment references NRC Reg. Guide 1.86 is the clearest available standard for unrestricted use.

Now, I'd say it would be a fool's bet to go into court and hang at 1.86. What I'm suggesting to you is, you've come such a long way step-by-step, and you've accommodated the community in so many things, now comes the hard part which is to change the spirit of what you're doing. Change your intention of what you're doing and come all the way to taking a different perspective, a different viewpoint on this.

Never mind what you can get away with under some specification or some NRC policy or what the industry wants, but look at what we can do to make the very, very best thing to prevent that lottery that says you got a 1 in 10,000 or 1 in 100,000, 1 in a million chance of contracting something. That's what I'm proposing to you.

And now I'm happy to answer any of your questions that you may have.

SENATOR KILKELLY: Michael Fowler.

MR. FOWLER: I yield the balance of my time.

SENATOR KILKELLY: If there's someone who's replacing you, that fine, but the time doesn't get added to someone -- okay, fine. Thank you.

Allen Philbrook.

MR. PHILBROOK: My name is Allen Philbrook. The last name is P-h-i-l-b-r-o-o-k.

I'm an engineer and I've worked at Maine Yankee. I've actually handled the fuel that we're talking about. And I have one very, very specific question, and it has to do with the 10/4 millirem threshold that Maine Yankee made an agreement with the groups around the plant and it came out as a new State law.

As that stands right now, who's supposed to do the on-site testing to make sure that they stay down to 10 millirems? Who does that testing. That's a question. Anybody?

MR. MEISNER: I think the easiest thing is just to read right out of the legislation.

MR. PHILBROOK: Just tell me; that's not the end of the question. I'm just curious. Is it the State?

MR. MEISNER: We're going to work with the State to take the samples and get the measurements associated with the final site survey. And that was also part of legislation; it was mentioned earlier --

MR. PHILBROOK: So it will be in combination --

MR. MEISNER: Let me --

MR. PHILBROOK: -- with Maine Yankee and the State?

MR. MEISNER: Yeah, Maine Yankee has the responsibility to take the dose amount, and whatever the ultimate dose model is --

MR. PHILBROOK: I understand that.

MR. MEISNER: -- and take that information and measurements and run them through the dose monitors demonstrating the compliance.

But I'll also note in here -- let's see if I can -- the Department -- Phil or Brooke, I don't remember whether that's DEP or -- is he still here? It implies that the Department determines compliance with the subsequent section and may require appropriate testing and analysis in order to reach -- you all agree with that?

MR. PHILBROOK: So the answer is Maine Yankee and the State of Maine will be doing the testing as it stands right now?

MR. MEISNER: To demonstrate compliance.

MR. PHILBROOK: Correct. And I guess this next question goes to NRC.

NRC's job is to make sure that Maine Yankee complies with its -- the final draft of the LTP; that's your

job? You're going to make sure that they stick to the LTP, right?

MR. CAMPER: You're essentially correct, yes. There are several steps in the process. One of those criteria is that final ~~medial~~ remedial activities are conducted in accordance with the license ~~commission by us~~ termination plan.

MR. PHILBROOK: So that if Maine Yankee decides to take that 10/4 level and rather than just making it some stapled-on addendum to the back or the front of their LTP, but actually puts it into the wording of the LTP, they put 10/4 into their LTP, that's actually part of the final draft, then NRC is obligated to make sure that they comply to the 10/4 and not 25; is that right?

MR. CAMPER: We are obligated to do several things. One, to make sure that they have satisfied the standard in the License Termination Plan. That is, the 25 millirem and ALARA. That is our standard that must be met.

MR. PHILBROOK: I understand that.

MR. CAMPER: Okay. We are not influencing -- we have no statutory authority to influence the State of Maine 10 and 4. The essence of your comment gets at whether or not your decommissioning process comports with your License Termination Plan. And as I just said, one of the number one criteria we will have to address and we're going to

ultimately ~~terminate~~ determine is whether or not the mediation activities are conducted in accordance with the License Termination Plan as well as regulations.

MR. PHILBROOK: Now, I sat on the Governor's Select Committee on Decommissioning Nuclear-generating Facilities and also on two legislative commissions dealing with low-level radioactive waste, so I'm used to this kind of talk, and nobody's answered my question yet.

If Maine Yankee puts 10/4 into their LTP, that requirement that they've imposed on themselves in addition to all the other requirements in the LTP that they will put on themselves, will NRC enforce the 10/4 or are you going to selectively not enforce various parts of the LTP?

MR. CAMPER: I will try one more time to be clear. We do not, the Nuclear Regulatory Commission, does not enforce the 10/4 millirem. That is not the standard in our regulations.

The other way I tried to answer your question was to say that the final remediation activities need to be conducted in accordance with the License Termination Plan as submitted.

Now, if they present to us DCGL, for instance, at a lower level, we're going to be looking and will be determining whether or not the model and the values provided and the actual decommissioning activities are consistent

with what they will do.

That is not the same thing, though, as enforcing the 10 and 4 standard. That's not consistent with our regulations, but I hope I explained why.

MR. PHILBROOK: You've made yourself clear. That, to me means, no.

MR. CAMPER: Well, it means, no, that we're not going to -- your question is, are we going to enforce the 10 and 4; the answer is, no. We have no regulatory basis for doing that. Our regulations are clear and I hope I was clear earlier as to why we don't have that regulatory --

MR. PHILBROOK: Just so that I'm clear.

MR. CAMPER: But I went on to say that they're going to need -- we need to make a determination as to whether or not the remediations that are before us, our regulations say that.

MR. PHILBROOK: So you're saying, yes, and, no? All I want to know is, okay, and this is my real gut concern, in our State we've got a real problem with ~~septage~~ seepage and sewage and that stuff that has to be tested -- don't blink and then turn around. I mean, this is a real problem. The State isn't capable of testing. We've asked them to test for iodine coming out of Maine Yankee years in the past, and they ended up testing upwind all the time.

People at DEP, bless their hearts, they tell us,

we love to do a good job, but the State never funds us enough to do the testing. They can't monitor simple things like sludge. How the heck are we going to rely on the State to monitor the radiation coming out of Maine Yankee?

I think you need to either do it by the NRC or it has to be done by a private contractor, period. Maine Yankee, yeah, they have changed, but, you know, there's still one or two of us here that don't trust them. And we just need somebody that's going to test it, period.

SENATOR KILKELLY: Thank you.

MR. CAMPER: I want to try to -- not trying to maim your question or give you anything other than what hopefully would be an appropriate answer -- but stay with me for a minute, and I'll tell you why I said what I said.

It comes to a point in your regulations as to whether or not the Commission shall terminate the ~~licensing~~ license if it determines that, one, their main dismantlement has been performed in accordance with ~~pre-~~ the License Termination Plan and the terminal radiation survey and associated documentation demonstrates that it's assuming coordination of the standards.

Now, we, several times tonight, referenced the letter dated May 9th. I'll read you a paragraph from that letter which I think gets at the essence of your concern.

The purpose of this letter is determine what

action can be taken in response to this legislation~~. It's~~ that may be different from what you described in your LTP.

It appears to us that your compliance with this legislation has the potential to impact the description of your decommissioning activities in your LTP. One, area ~~rights~~ relates to the information ~~compliant~~ provided, from Section 8 of the Maine Yankee LTP, quotes, supplement to the environmental report, closed quote because

The environmental assessment or environmental impact statement that will be develop~~ment~~ed by the staff must be based on the full scope of the impacts of the remaining dismantling activity.

So I think that those two things get at the essence of the question.

MR. PHILBROOK: Then, what I'm wondering is, I mean, I agree with you. After all this talk and I most certainly ought to feel like I have an answer, but I don't feel like I have an answer.

I mean, I agree with Ray a little bit; and we never used to really agree on a lot of stuff, but why are you guys so resistent to testing to 10/4 when even the power company wants it? I mean, you could do it. I mean, it's the same measuring equipment. I've done all those tests. I've done surveys myself. It's not difficult. Am I asking the wrong question?

MR. CAMPER: No, you're asking a clear question. The answer to your question is two-fold.

Number one, we have a regulation. You may disagree that 25 is the appropriate number; I understand that. You may think that 10 is a better number; and I understand that.

But the Commission arrived at a standard 25 millirem and ALARA. There are a number of reasons why they arrived at that standard. We believe that it's ~~accurate~~ adequate to protect health and safety. You may disagree, but we think it is -- let me finish --

MR. PHILBROOK: I do understand.

MR. CAMPER: Okay. Therefore we cannot, we have no regulatory basis to evaluate 10/4. We have no authority with the staff to do that. And, frankly, there would be those that if we did that who would complain that we were exceeding our regulatory authority. We can't do that.

I also said, though, in one of my earlier answers to that, as part of the process, we will be looking at the models. We will be looking at the DCGLs; we will be looking at the survey instruments.

There will be ample information contained within the submitted LTP, and again in our analysis that I believe should allow the State of Maine to ultimately use that information in its totality to reach the conclusion that it

needs to reach regarding the 10/4 standard.

MR. PHILBROOK: Two little sharp and then I'm gone. If in their LTP they specify that the concrete that they were going to bury out there had to be no bigger than one foot in any direction, if that was part of the specification in their LTP, and they say, okay, we're going to bury this concrete, but we're going to break it up into little pieces and -- would you enforce that? Say, listen, no, that piece is too big; you have to chip it up smaller to bury it. I mean, it may be a dumb question, but if that was part of the LTP, would you enforce that?

MR. CAMPER: In the first place, I don't think they would make that kind of what you just said.

MR. PHILBROOK: I understand that.

MR. CAMPER: The issue is whether or not the concrete, the term rubblization is the term of choice, whether or not the rubblization, the remaining debris -- concrete debris -- whether or not when modeled, considering all dose pathways, satisfies the dose standard.

It's not whether a pea-sized chunk of concrete versus a chunk of concrete that's, let's say, a foot, is put into play. I mean, to commit to that or to set a resource expecting something like that, is not the place to expend any of our energy.

The place to expend our energy is whether or not

their dose model, considering in this case the concept of rubblization or for that matter some other concept that might emerge tonight, satisfies -- demonstrates scientifically that it satisfies profusely. That's what we would be focusing our energies on.

SENATOR KILKELLY: Thank you. David Hall.

MR. HALL: David Hall, H-a-l-l, representing the Citizens Monitoring Outlet.

In the past the NRC has had resident inspectors at Maine Yankee, and as you said, you currently do not. The State of Maine does have resident inspectors at Maine Yankee.

I'm in hopes that the NRC would use the State inspectors as its ears and eyes as to what's going on at Maine Yankee. Since you don't have the ability to have your own resident inspectors, it would be help if at least if you used the Maine State inspectors.

The other thing I wanted to mention is, maybe my information is incorrect. My understanding was at one time the NRC was considering a lower dose level than the 25 mr, but the nuclear power industry screamed so much about the idea that they put it to 25 mr to keep the industry happy. I could be mistaken on that.

DR. BELLAMY: Let me just very quickly address your first point, sir. The answer is, yes, we try to rely

on the State inspectors as much as possible. They are involved in our conference calls when they're available. I know Mr. ~~Dossey~~ Dostie attended our entrance meeting this afternoon. And generally speaking when my inspectors are on site, they do touch base with it, yes.

SENATOR KILKELLY: Don Hudson.

MR. HUDSON: My name Don Hudson, that's H-u-d-s-o-n.

I am a member of the Citizen Advisory Panel. I live in Arosic and I work in Wiscasset. In fact, I've worked not far from the plant for the last 34 years, and the one issue that I'd like to touch upon is the impact on the cost estimates of decommissioning as they're presented in Chapter 7 of the LTP.

This is, as Mike and Jamie and others know that this is my axe, so I'm going to grind it.

The estimate in the plan is that we've got $128,700,000 set aside for dealing with fuel, and that's based on an estimation that it's going to be adequately packaged and protected and then shipped off site, I believe, in the LTP beginning in 2018, so we've added about five years to the original plan which was that the fuel would be gone by 2023.

If it's going to be moving out of here on a cycle with all the other plant's fuel, it would probably take

about ten years to move it out, so that would bring the final fuel shipment to 2028.

And you know what I think, but I'll say it again, and that is that I don't believe that's going to happen. I don't believe it's going to happen because I see on the other side of the country a nearly constitutional crisis over this classic ~~NMB~~ NIMBY, not in my backyard, issue.

Virtually every politician in Nevada is ranked up against disposal in the state, and I don't believe that this country is going to suffer constitutional crisis and use armed soldiers, as happens in some other countries, to effect waste disposal of any material, especially not of a radiological concern.

So, I'm beginning to feel like Don Quixote rather than Don Hudson, but I really think this fuel's going to be here a wicked long time. And I think that we should at least show a little more common sense in the planning. Give us an annual estimate beyond 2028 of what it's going to cost to take care of fuel on that site.

I think that kind of estimation can be done. As much as we don't want to state it, perhaps we're afraid that it might come true if we actually state it and write it down.

But 2050 or 2060, very few of us are going to be in this room, and it would be nice if they -- whoever was in

the room at that point recognized that somebody looked ahead and realized that this is -- this was a major issue in the year 2000 not to be easily resolved and that the License Plan should reflect it.

And lastly, although I wouldn't ask you to build a spent-fuel pool now, I know that the only way -- unless we're going to buy a shipping cast for all 64 ~~casts~~ casks so that in case it leaks we can put in that shipping cast which I know is not in the plan -- I think that we should at least mark out on some map and not dedicate to any other use on that site, land that can be used for some unforeseen industrial activity related to the fuel in the future.

And if that's an extra acre or two that doesn't get some kind of industrial facility on it or whatever, I believe that some kind of forward thinking needs to be reflected in plan and ultimately the cost. Frankly, that's more important to me. I mean, we're going to get done for it. It would be nice to know what the cost is going to be going out beyond 2028.

And if I'm wrong, then so be it. You know, somebody can tell me I was wrong. But I don't think I'm going to be wrong in this case. As I said before, I've been working down bay for a while, and my guess is that by the time I finish working there, the fuel will still be there; and I plan on working at least until 2020.

So, thanks again for coming up. And what's it going to cost to have the fuel [inaudible]? You don't have to tell me tonight.

SENATOR KILKELLY: Thanks. Edward Miers.

MR. MIERS: My name is Edward Miers, M-i-e-r-s.

I would like to ask if we haven't reached the point where we can dispense with -- where was I? On millirems and background spent fuel and the fiscal fitness of Stone and Webster and a myriad of other details of decommissioning, how can we go on beyond that? Why do we have to stand here and figure out just how bad of a job you guys will do?

I am only 83 and sorry for what Don Hudson said but I won't be here in 2050, but I have spent almost half my life connected with Maine Yankee, and I wish that you would join me in being tired of it. We don't need science, exact or predictive, or mutative. We know what happened. And I would gather everybody in this room to share a bit of what happened.

Fifty-five years ago the war ended. From September 1945 on, there was a great rush. We came out of a bad thing; we killed more people with two bombs than we lost in combat with the whole war. We did it in two seconds; it took us five years in the war.

So let's go out there and do what we can to find a

peaceful use for atomic energy and we ran isotopes for people with spina bifida and we did all kinds of things and eventually once you got David Lilley involved away from the VA and into a chair of the ~~ABC~~ AEC, you now are going to promote anything -- any unwanted scheme.

So Truman goes to Congress the first January after the war and says, let's have a peaceful use of atomic energy and the United States will share it with all nations. Dwight Eisenhower was next. He went to the UN and said it was peaceful civilian use of any nation that will share it with us.

And all of you know the rest up to this moment. We're all in this together. We've had 55 years of it, and it's been monumentally unsuccessful. I listened to the gentleman now at the end of the table there repeatedly coming back to the 25 ALARA because he's got the regulation. What is a regulation? Basically that what you're dealing with is poorly designed. If you design things right, you don't have regulation.

And we listened to it three, four, five, six times, and I think that all of you, since we are all in this together, I think that you ought to broaden your horizons. It's much bigger than Maine Yankee. We all know that it costs twice what it's construction costs or three times, and that they made the dreadful mistakes to go already. Why do

we hide behind millirem's background? [Inaudible]

I confess that I wear a hearing aide, but I thought I heard tonight that rubblization is not an original thing, that it's been done years ago. And then I thought I heard the word Shoreham. Well, Shoreham never opened. Of course it wasn't radioactive. Shoreham sat down there long enough as a white elephant, it may have operated a half a day just to show, and that's what's the example for rubblization. It is not the rubblization we're talking about here. And it's [inaudible] in a basin that receives the tide. When it rains, it goes to the ocean; and when the tide goes up to the full moon. So you're going to be pumping radioactivity out of the rubble if you do that, so don't do it. Don't do it.

Now, somebody mentioned although it was a nice lady here with a handsome son, I broke my hip a year ago January and the detail man I had visited said, hey, take this Solurex. One pill a day and you won't feel your leg.

And then a couple of weeks later there was an article from the Wall Street Journal where eleven people had already died from side effects from Solurex. And Monsanto said, oh, we expected that. That matches the profile.

Well, would twelve have matched the profile? It seems to me that if I was twelfth, that I would be 100 percent dead, so why aren't we concerned with what that nice

lady talked about?

How can you stand here and use Shoreham as an example of rubblization? That is simply guessing that nobody here knows where Shoreham is, so it is so close to a lie that it sickens me; and I've probably been up here long enough.

In the Truman Library there's a volume of Shakespeare and in Harry Truman's own hand, it says, note marking in passage, and I think it's very applicable to MacBeth talking, "We that teach bloody instructions, which being taught, return to playing the inventor." Why not do it right? Do it totally right. Isn't it time? Thank you.

SENATOR KILKELLY: Thank you. Erin Donahue.

Charles Edwards. Paul Genoa.

MR. GENOA: Good evening. Thank for this opportunity. My last name is Genoa, G-e-n-o-a.

I'm here tonight representing the Nuclear Energy Institute. It's a policy-based organization in Washington, DC, that represents users of technology both here and internationally: We represent almost 300 companies in 20 nations worldwide. People who use radioactive materials to generate electricity, industrial uses, the smoke detectors in their house, the medical treatment, the universities and research that we've done and so forth.

What I do primarily is interact with the

regulators to try to understand emerging regulations to try to understand what the implementation of those regulations will be and what it will take to do that job right.

To do that, the Nuclear Energy Institute and its members are pulled together in an advisory structure of executives that form -- that work in groups to establish policy and investigate policy issues. Mr. Meisner is a chairman of one of those working groups on decommissioning.

Also at the staff level I put together task forces of scientists and technicians across the industry that are experts in the different fields to evaluate these regulations. And I want to talk to you a little bit tonight about how those efforts help the industry understand what it takes to do this decommissioning job and to do it well.

I've heard a lot of your concerns here tonight, I've heard some pretty good questions. And they're not just questions alone. I've heard these same questions around the country, and they deserve answers; and I think these forums are a good opportunity. But, unfortunately, the answers don't come forth immediately, and it's important. I heard a woman very concerned about her child and our future children, and she asked a very question, you know, are you studying the impacts on the children?

And I guess she asked the question of the NRC, and the NRC sets regulations, but they don't do the basic

research on alpha tests. Those are done by international and national scientific bodies that are set up by the World Health Organization, or they're set up by the United Nations. They are the International Conference for Radioactive Protection, the National Conference for Radioactive Protection, chartered by our Congress. These are internationally-recognized scientists that do the basic research. And I can tell you that they have looked into impacts on children, impacts on sensitive organisms, and they've looked into it.

Those studies are the bases for the regulations you've heard about tonight.

I also heard people as questions about, why not 10 millirem, or why not 5 millirem, why not zero millirem? And it was sort of alluded there's basically a cost benefit here. The people who ask those questions seem to feel that radiation is the greatest hazard that there is here. That's not the greatest hazard in decommissioning. The greatest hazard is someone's going to get crushed under a truck or a piece of concrete or whatever. It's a real industrial risk to someone.

Also as you heard from the EPA, industrial issues that have to be looked at, environmental issues. Toxic materials that need to be gathered up, but these toxic materials are not limited to a nuclear power plant. They're

at the boat yard down the street, they're at the Boothbay Metal Works, they're at every other facility that's industrial in nature, and they need to be paid attention to.

I want to tell you that the nuclear industry and the people I've seen from Maine Yankee are doing a very good job of trying to understand those issues and deal with them responsibly.

Now, I can tell you that my organization and our predecessors and our members have worked and studied the emerging regulations for over a decade on this decommissioning rule, and the emerging guidance has taken over ten years to put in place. Now you folks are placed with a challenge because in Maine over the last six months or three months or two months have decided to throw all that out, set it aside, and come up with a set of regulations.

Now you have to figure out how to implement. Well, there's a lot of work involved in developing a consistent regulatory [inaudible], and you're going to have to figure that out.

The NRC has already got it figured out. They've gone through ten years of data, the public process, to set up exactly what needs to be done. It's being done across the country. You folks have decided to do something a little bit different, so there's going to be more work involved. And admire for trying to stick to it and come to

terms and find some consensus to you.

I wanted to tell you that among my peers, the folks that work with me from Maine Yankee are a dedicated group of talented individuals that are conscientious, hard working. They exhibit technical expertise and they are very conscientious.

Because of their efforts, these regulations and the guides that they have developed have been improved across the country, and other citizens, like yourselves around nuclear plants and other nuclear facilities across this country, are benefitting because of the work they've put into it. But they are, in fact, they're leading the charge. They're just now the second utility to submit a License Termination Plan that has been accepted and apparently that may or may not need to be modified because of Maine law, so there's a new challenge there.

But the benefits of this interaction was shared across the country is that decommissioning projects are being approved, that we're learning more about that. That we're sharing.

Some of the difficulties you folks have mentioned her about characterization of different isotopes, well, we're learning from one another of how to do a better job of that.

And I guess that's really my main message here is

to let you folks know that you're not alone; the questions and concerns you have are shared with other folks across the country, but from my perspective and not only as the regulator trying to do a good job and so is the licensee.

I'd just like to take another minute, if I can, to just try to relieve a few concerns. I mentioned the international scientific bodies that have done the basic research that the NRC has used to set their standards. There was another question, you know, what about the lost fission products?

I will assure you that these plants were designed, licensed, and operated recognizing that some fission products would escape from the fuel. That is why there are radioactive waste collection system built into the plant. And that's why there are limits set on the air emissions and ALARA.

You gentlemen wanted to know how much got out? Well, I mean, if you took the sum total of all the radioactive waste that was sent to environmental facility ~~of~~ or wherever else Maine Yankee sends it, and you combine with the ~~affluence~~ effluents of the entire life of the plant, and you add a little bit in there for anything that was associated with contaminated equipment that was sent to other nuclear facilities, and you added that to whatever was left as the residual contamination site at the end of the

decommissioning, you would get the amount of the material that was lost from the fuel during the entire life of the plant.

People are concerned about radioactive waste and that's understandable; it is hazardous material. But we know where it is. We kept control of it. We haven't let it out. And we know how to manage it. And I think that you'll see that it gets done properly. That's where the lost fission products are. And, I guess, that's the end of my question or comments. Thank you.

SENATOR KILKELLY: Thank you very much.

That brings us to the end of the list of the folks that have signed up in the back of the room, and I'm wondering if there are others who wish to address the issue at this time?

MS. PHILBROOK: Patricia Philbrook again, thank you.

It became very clear that NRC will not enforce the 10/4, so is it addressed in ALARA now? Who's going to enforce it? What if Maine Yankee does 15/5 or 20/6? Who enforces it to keep them to the 10/4?

MR. MEISNER: I thought we had addressed that. It was the responsibility of the ~~DHD~~ DHE; am I getting that correct in terms of compliance of 10/4?

If compliances are met, I think in answer to your

previous question the response was that would then open up under State law the referendum process. I'm not sure I got the ins and outs of the laws correct.

MS. PHILBROOK: So if Maine Yankee doesn't keep to the 10/4, then we can do a referendum process?

MR. MEISNER: That's my understanding.

SENATOR KILKELLY: That's my understanding as well because what the 10/4 is, the 10/4 is the threshold.

MS. PHILBROOK: I guess, you know, just as a citizen not understanding anything about the law that was just passed, I don't understand how one right to vote on a dump site was taken away when it clearly was the majority rule of the people even with a three-way response?

SENATOR KILKELLY: I'd be happy to provide you with all the material including the agreement that was signed by the various groups that reached agreement with the issue.

MS. PHILBROOK: But that's not the whole state that voted. I guess I just don't understand that process. And that's all. Thank you.

SENATOR KILKELLY: Others?

MR. KERRY: I'm in the Senate; I chair the advisory commission on radioactive waste.

I have visited a plant that Virginia Power has down in Surrey. I was able to get from Brian Wakeman a copy

of the film that they made on their canisters and they got a Federal grant back in 1985. I will have that film duplicated and with Virginia Power's permission, I will bring one down to the Town Office so that the citizens -- because you had a lot of questions on the storage and maybe going into the library you can either check it out or have duplicates made.

SENATOR KILKELLY: Thanks.

MS. SHADIS: My name is Pat Shadis, S-h-a-d-i-s.

I was extremely troubled to learn that the Nuclear Regulatory Commission was less than forthcoming in information it's provided to this group of people as relates to the rubblization and to suggest to us that this was done at another plant all the while you knowing that it was not radioactive materials, all the while knowing that we were assuming that it was, and from Mr. Miers' information, it seems that that's what's happened. Well, if that's the case, it's extremely troubling to me.

MR. PITTIGLIO: Let me just clarify that issue. I have the example of both the Shoreham Nuclear Plant and Fort St. Vrain Nuclear Generation Station, both of which were released for unrestricted use.

The Shoreham plant had a very short life; the Fort St. Vrain plant ran for over 25 years; however, the contaminated concrete that was left at the site was cleaned.

It was highly contaminated at both plants.

In one area left at Shoreham, large concrete blocks as the Fort St. Vrain plant, it was the fuel storage building, it was heavily contaminated. The criteria at the time contamination was left, it was knocked down by the bulldozer, moved off the site, and it's still sitting at the site.

MS. SHADIS: And it wasn't buried in the ground?

MR. PITTIGLIO: No, it was rubblized concrete left on site.

MR. CAMPER: Actually, the distinction that should be put on the side was that -- his point was that leaving rubble from less concrete, in this case on the site, is not new.

Originally, what was new was burying it beneath the ground and possibly leaving behind higher levels of residual contamination. Those were new concepts; I just wanted to point that out.

Now, the thing that I would like to say about rubblization, we've talked a lot about that concept tonight, rubblization as pointed out -- I don't know if you had the opportunity or interested in reading [inaudible] Papers 0041 talks about the topic in great length. It's available on the Web.

But the point is made in the, you know, that the

license termination rules [inaudible]. Licensees will find ways in a cost-effective manner to satisfy their understanding of the rule. The concept that you heard, what's been embodied in the License Termination Plan of Maine Yankee was rubblization. That means, I cleaned the walls, I leave behind a level of material that's consistent with, through modeling, that meets the minimum standard.

Now, the difference here, though, the difference is that it's pointed out that modeling is a key consideration as to whether or not rubblization would work is whether or not the license demonstrates through modeling a number of possible exposure pathways: Excavation, scenarios and what have you. But they actually satisfy the dose standard using that dose standard.

That is new. But the point of the Maine laws is that the rubblized site was not used.

MS. SHADIS: I guess my concern -- my point that I would like to make is that we have to, because the way our system is, depend on the NRC to really look out for our interests. And if there is some suggestion that you're using language which might be misconstrued in favor of the plan or in favor of the industry, it's just very troubling because if you're going to, I think that you've got to be very, very careful to make sure that if you're going to favor one process or another or one side or another -- and I

don't mean to draw side -- but certainly be poised for the benefit of the people, and that's just not the sense that one gets when questions are put to you and there are explanations given that sometimes try to defend what the industry is doing. It may well be just because we as lay people don't understand this very well at all. And so what needs to be really extremely clear, for example, to make it obviously clear to us what you're doing.

MR. PITTIGLIO: Let me make one more additional comment.

The Commission paper that we wrote regarding rubblization and the examples that we gave you were simply quotes from the Commission paper, but, quote, unquote, and it is up on our Web site, for example, the nuclear station whose license was terminated and fully released for unrestricted reuse in May 1995, the Licensee left several large concrete blocks going between four and seven tons sitting on a reactor floor.

For the Fort St. Vrain Generating Station, it's license was terminated and site released from restricted use in 1997. The Licensee demolished the fuel building. After completing the final and the final survey report was approved by NRC and left the rubble on site until after the license was terminated. It was clear in the Commission paper that the material was not placed below ground, but it

was left on site. And that's in ~~Section~~ SECY0041.

MS. SHADIS: Thanks.

MS. BURT: My name is Ann Burt, I'm from Edgecomb, and it's B-u-r-t.

I'd like to ask the NRC, they made a point of suggesting that they would be verifying versus monitoring the License Termination Plan and compliance with that. And I'd like to know what is the difference between verifying and monitoring? Another part of that question is: While the plant was up and operating, was the NRC verifying or monitoring the operation of the plant?

DR. BELLAMY: Let me try to be very specific. I do not see a distinction between verifying and monitoring. When I use the word verify, I also imply monitoring; and I would submit that while the plant was operating, the NRC both verified and monitored for the Licensee. That's what we are doing now and will continue to do.

MS. BURT: Well, one of the things that I guess concerns me in all of this is that while the plant was operating and NRC was monitoring it, the plant basically fell apart. I think we looked back and we say that Maine Yankee was closed down for economic reasons. I remember that there were, I think it was, 3,800, some incredible number, of problems, little tags.

I'm not a scientist, but I know people talked

about little tags here and there of problem and this was with people who were monitoring or verifying on site how that plant was being run.

Why should I believe that the decommissioning process and verifying or monitoring, whether it's 10/4 or 25, whatever it is, that that's what it's really going to be? I'm being asked to take one's word for that.

And the other concern I have is that we keep talking about how you're looking at modeling, and I remember that there was a model, again, I am a little fuzzy on the science of it, but we had a model of how the core cooling and the pump was going to work, and we discovered after the fact that that model we, in fact, had been running that pump way above what it should have been run.

So, I guess my question is: If we're basing this on models, aren't we falling into some of the same problems that really brought Maine Yankee to its knees and closed it; and I hope that what Don Hudson was saying earlier about recognizing how long we're going to be looking at that waste being here, that I guess I'm just not convinced of the model method.

MR. CAMPER: I'm not sure what you mean by the model methods but let me get back a little bit to your verifying and monitoring thing.

I think if you take a look at how well the

decommissioning has gone, you can get some level of comfort for the oversight that the NRC is doing.

I'm not able to address a lot of the operational history of Maine Yankee. One of the things that the agency has done is once a ~~plan~~ plant enters this decommissioning, we basically moves the matters of responsibility for that plant from the people that had it when it was operating to a different set of managers to get independence and to verify that the decommissioning goes smoothly.

And I think from our standpoint the decommissioning has been smooth, so that should give you some level of comfort with the inspection activities that we're doing here. If you have any questions at all on the inspection activities, please call and we'll discuss it with you as long as you think it's necessary.

But I'm a little confused on your modeling issue, unless you're talking about the modeling of your doses.

MS. BURT: It was computer modeling that was used to determine how that pump should be running, and I feel like that there were other models. Now I'm hearing today that we're making decisions around models.

MR. CAMPER: Well, the modeling comment that I made was -- dose modeling is the important part of the License Termination Plan. Let me point out that it's not just modeling. Modeling is part of the front-end process

whereby the Licensee takes a particular approach to decommissioning and then models it using the various parameters and all the pathways and calculates dose.

But I also said as part of this, there's also a final survey response. Mr. Zinke pointed out, and this comment is long awaited, it's not just one survey. There are surveys that are conducted along the way and ultimately using the probes [inaudible] instrumentation, verify the actual amount of contamination that exists consistent with the derived concentration guidelines that were used in the last commission plans.

So there is modeling, but equally important surveys to verify.

MS. BURT: And the surveys, do you conduct those or does Maine Yankee conduct those?

MR. CAMPER: The Licensee has obligations under our regulation to conduct surveys. We do confirmatory surveys. Those are typically done to help the process, side-by-side.

MS. BURT: Thank you.

SENATOR KILKELLY: Anyone else?

MR. SHADIS: My name is Raymond Shadis, S-h-a-d-i-s.

Without a few little amendments this is a License Termination Plan, and we have a situation now where you come

and explain this to us, did you not, this evening explain all of what's in here?

And now we have a limited number of days in which to comment in writing to have any effect and a limited number of days in which to ask for a hearing, and I'm uncertain now as to what the schedule is on that and what our rights are and how easy it is to get it here, what the process would be, and what kind of proofs we would have to offer if let's say we wanted to get a hearing.

And I know that Ann Hodgdon is here tonight. Am I pronouncing that correctly?

MS. HODGDON: Yes.

MR. SHADIS: And she's an attorney for the US Nuclear Regulatory Commission and as such, everybody needs to know, she's our attorney, too. Ann would never represent the NRC without also representing the public, because that's her charge as an attorney working for the public agency that she also has to represent us, the public, sort of like an officer of the Court.

So I'm going to ask Ann, if you would, indulge yourself, to give us a rundown as to what the schedule is, what our opportunities are for hearing, what kind of -- what should we call it -- hoops we have to jump through in order to get a hearing, what the costs might be for, let's say, a typical intervention on some of these licensing issues.

So that we know, Ann -- I mean, you're good at this. You've been well experienced -- tell us what it's like out there for us public citizens so that we know that if we get into this regulatory game and ask for a hearing, what it's going to take; would you please?

MS. HODGDON: I believe the staff said, Mike Webb said, that the notice of an opportunity for hearing would be in the Federal Register on May 17th; is that correct, May 17th, two days from now. And that notice will give all the details about the opportunity for a hearing.

With regard to when requests for a hearing have to be in, it's 30 days from the date of the notice, so that would be by June 17th.

All that needs to be addressed in the -- everything is explained in the notice -- but what needs to be addressed in the request for the hearing is one's standing, how one's interests may be affected by the proposal -- by the amendment request. And that is in the Atomic Energy Act and it's also in the Commission's regulations under the Atomic Energy Act. But one may request a hearing and show how his interest may be affected as I said.

I think you'll find, although some people think that the notice is not entirely clear, I think you will find that it's clear enough so you'll figure out what you have to

do in order to prepare request for intervention.

I was also asked by Mr. Shadis about the cost of intervention. I don't know anything. Mike knows something about that with regard to particular cases, but in regards to costs, intervenors may represent themselves or they may be represented by counsel and presumably if they're represented by counsel would cost more than representing themselves.

Did I answer your question?

MR. SHADIS: Well, in part. And I appreciate as far as you've gone. What do you mean that a person has to identify their interests? Like, okay, supposing there's a person that lives five, ten miles from the plant, and they're concerned that the plan stinks and that NRC has bent over backwards to accept it anyway. So, now they want to come forward and get a hearing.

Supposing there's 20 of them? Supposing it's the local Rod and Gun Club, and they're ten miles away from here, and they want to get a hearing. Is that doable?

MS. HODGDON: Twenty miles would be -- well, I'm not the licensing board so I'm not going to say.

MR. SHADIS: Let me understand this now. You're not capable of answering that question? You don't have the regulatory legal know-how to answer what interests might be? How do you to define interests?

Since this is going on the record as we've gone up against each other before, I'm going to bring a tape of this meeting and I'm going to play it for the judge.

MS. HODGDON: The hearing conference that would be held on a petition to intervene would not be an evidentiary matter, so that's, besides which, a tape just -- I doubt very much that a tape would be played at such event.

Nevertheless, as I said, the first -- there are two filings which must be made. The first one has to do with standing. The Commission held in a case in 1999 regarding Yankee Row that standing could be shown by showing how interests could be shown by showing how the petitioner for a hearing might be injured by use of the site.

That's the only case in which the Commission has held in previous cases that one needed to show off-site injuries.

So that would be -- does that answer your question?

MR. SHADIS: You're not saying that in order to get a hearing after NRC has put their stamp of approval on this, in order to get a hearing, you've got to show real and comparable injury and that you have to suggest remedy, and the remedy has to be a cure for that real and comparable injury.

Not only that, but your standing -- well, that

would be your standing?

MS. HODGDON: Yes, I didn't say that one needed to show a cure for the injury. It is that the injury could be readdressed. Actually, I think you made a misstatement there that the act of the NRC had, of course, this opportunity of a hearing is offered before the NRC has acted on this amendment request. It's a notice about the opportunity for hearing.

All the NRC has found has found the application acceptable for docketing. It has not found that the proposal satisfies the regulations.

As the people have said here earlier, they've only just begun their review, so it would be -- whatever. In any event, the opportunity for hearing is offered early on in the process, of course, as it must be.

MR. SHADIS: This is sort of my last question because it really does get deep.

If people apply for intervenor status and want to have a hearing, does the staff member oppose that? I mean, you're a staff; do you ever oppose that? Do you lawyers get right in there and make sure they don't get in?

MS. HODGDON: No. The staff sometimes opposes -- there's a standard for contention. We weren't talking about contentions at this. We're talking about standing, which is the first round. And, of course, the staff has to oppose it

sometimes, because sometimes people don't have standings. They have to show that the injury that might occur would you be because of this request within the four corners of the request.

If their standing showing is that they'll be injured something else, then obviously they don't have standing, and the staff would have to oppose it because it wouldn't meet the standards.

MR. SHADIS: As a concrete example, when the New England ~~Troll Fisherman~~ Coalition of Nuclear Pollution attempted to intervene on the Yankee ~~Row~~ Rowe case and you and your staff opposed it, and even though they had many times over been granted standing as interested parties on matter related to Yankee Row, they were bounced on that thing. It was your staff that opposed it and kept them from intervening. So we could expect the same sort of thing to happen here, especially since we don't have a history of intervening on Maine Yankee; is that right.

MS. HODGDON: As a matter of fact, there was an intervention at Vermont Yankee.

MR. SHADIS: Yes, after you were overturned. Let's tell the truth all the way up front, one end to the other. I'm asking you to stand.

MS. HODGDON: I've ~~sited~~ cited the case in which the Commission decided that one could show standing in this

kind of a case by showing that they could be injured by going on to the site even though in all other cases off-site injury would be required to obtain intervention and a proceeding on an operating license.

MR. SHADIS: It's the rules and it's your job, and I know the law. I really just wanted to point out that somebody up heard somebody tell us, you can always ask for a hearing. That's a little more detailed than what you would get from that gesture and casual thing of just ask for a hearing.

It's not as easy and that was the point that I wish to make. I thank you very much for helping out on that.

MR. SHADIS: Well, if I may say one final word, that is, if one reads the notice very carefully, the notice says everything that one needs to know about how to request a hearing on the License Termination Plan or any other amendment, for that matter.

One issue of regulation, gentlemen of the NRC, and then I do have some other smaller comments. Let me get this before anybody gets real ~~ancey~~ antsy.

It is this, that at the board the Environmental Protection hearing that we had which Maine Yankee graciously agreed to review some but not all radiological issues, the Licensee let everyone know that they intended to get their

greater than Class C waste into ~~casts~~ casks pronto this year.

And when they were asked what the authorization for that was because NRC has a license to ~~casts~~ casks for standard fuel yet to license the ~~casts~~ casks for nonstandard fuel. Our aggressive little company was going to put greater than Class C waste in an unlicensed ~~cast~~ cask and slide it out in the dooryard.

And when they were asked what authority they would do this under, they said, 10 CFR 50.59, which, as you know, allows operating plants to make modifications if they don't raise any new or significant safety issues, et cetera, et cetera.

Now, I just want to tell you that you must not let them do this. This is an egregious misuse of 50.59. It was never intended for this. And I'm going to tell you that we're very upset with NRC's slack, late, partial response to Maine Yankee's initiative on taking down their security barriers. It took you a year to get a team on site to look at that, and then I heard that we had, what, two months ago, we had explosive's expert finally come and take a look at the situation.

That's too long, too little, too strung out to deal with something as significant, that is, security on this spent fuel pool. I don't think you did a very good job

on that, and I'm very concerned that when the Licensee takes options for initiatives changing the lay of the land, moving stuff around, undertaking new and exciting initiatives like putting greater than Class C in the license past, that you guys need to be on top of it.

So I want you to know that we're very upset at that prospect, and we are raising money. Ann will be pleased to know we now have three abutting property owners as members of Friends of the Coast, so we'll be there on the injury issues.

We'll deal with it. But I want you to get it.

And I also need to comment on the fact that you're going to deploy these ~~casts~~ casks under the provisions that you can deploy them under; in other words, without an environmental review, especially without a local site-specific environment review in which people are held accountable under the normal adjudicatory tests you've heard, and there is all the evidence, cross-examinations, and so on, that you're going to have to go ahead and slide these things in.

I don't know that people are aware that the ~~casts~~ casks get deployed under the operating license and then there comes an opportunity way down the road for an environmental review and it goes to Part 72, let's pull the cast license. But by that time, by gosh, there are 64 of

the 160-ton monsters in place, and the whole questions is that we don't get to discuss how they affect coastal Maine in any kind of reasonable worthwhile process. I want to register our objection to that.

Personally, I would like to address some of the statements that were made here. You were asked about whether children were considered in your modeling and the question was dealt with and not in a very correct way.

The question would be, since you mentioned the average member of a critical group, the right question if that person had known how to frame it would have been: Do you consider the most vulnerable member of a critical group? The answer is, no, you don't. You consider the average member of a group, not the most vulnerable.

We've been through that, and I think that a right answer would be, no, it's not the way it's done. When children are entered into these dose estimates, I've heard it's when that, well, gee, no, they don't get as much dose from the water because guess what? Children don't drink as much water as adults. That's very reasonable to you guys, but that's not very reasonable to the public.

I heard, and it might have been Mr. Camper, mentioned that these standards are the standards that are developed in the international circles, out there international circles.

You'd like to know, wouldn't you, that in Canada the standard is target less than 1 millirem overall. Not only that, but the Canadian version of the Atomic Energy Commission got together at a conference recently, and they said, you've got to consider the environment for its own sake. All those little creatures out encountered by radiation. For it's own sake.

We don't hear that kind of stuff. We know that the Scandinavian governments are looking at 5 and 10 millirem; we know that the State of New York is a 10 millirem standard; that the State of Massachusetts has a 10 millirem standard.

We're not off the wall here. This isn't some exotic thing that was only invented in Maine; this is a standard that is known by many states.

When I took part in the recent regulatory initiative conference, I was on a panel for all voluntary industries initiatives. This was something that another nuclear energy institute initiative, and basically it came down like this. The industry identifies a problem, they propose studying it, they propose a solution, they come back, and they make commitments.

And even if it's only one Licensee, they come and make a commitment, and the question was asked, how do you enforce a commitment that they voluntarily made? And the

answer, from most of the people that knew a lot better than I, the answer came from NRC staff, and it came from the NEI, and it came from the utility people there was, you get them to make the commitment in their license. They enter it in as a ~~tech-inspect~~ tech[nical] spec[ification] change. They enter it in as a little amendment to their license. And then they are obligated to do it.

And I think that you'll find that when Mr. Meserve gets a touch of the political wig, that you will find the means to enforce this 10/4 standard. I think you're going to find this. I think you could tonight, if you really wanted to, dig around in there and find enough different ways so that this could happen in the regulatory mode that you don't need a statutory mandate for 10 and 4. I think maybe that -- maybe that's the way to see it.

Now, we had, I think, Mr. Pittiglio in the examples he mentioned Shoreham, but he also mentioned that down at Fort St. Vrain they knocked down and left a lot of rubble out, and he went ahead to explain, rather rightly, and this was before the 25 millirem rule.

The average person would take that to be that Shoreham was decommissioned under some rule that wasn't as good and tight and stringent as this nifty 25 rule.

I may be mistaken but I understand that Shoreham was decommissioned at 10 millirem and that that level was

all knocked down to below 1.86 standards. I would like to hear that.

Geez, Ron, you and I have a communication problem. You mentioned on dealing with all of the oversight that we have here, we've got however many number of hundred of hours, it works out to, you know, an hour and a half a day or something of regulatory oversight.

And you mentioned that you were up here recently with a heavy-loads expert. You know where I'm going with this?

What you didn't mention is this audience would have taken as kind of an indicator is that you and your heavy-loads expert watched them rig up these cranes and get the lines on the steam generator and get it halfway out of the container, knock a 17,000-pound steel beam off there, out of the sky, bounced off of the steam generator and landed on the ground, and that you and your heavy-loads expert decided this was good industry practice in general, and you left the site where the removal of the next two steam generators, figuring this is safe industry practice.

I think any of the public audience would be entertained by that kind of a story. When you use it as an example of how well you maintain oversight of these plants, I can't -- for God, people I hang around with, you know, a lot of whom are not really very nice people, most of my

friends aren't -- but they say it straighter than that, and I fault you for coming to my community and saying things that are glossed over, smoothed around, finessed, and generally have some kind of an untruthful thing that is attached to them because you haven't said the whole truth.

Finally, in this schedule that we have for submitting comments for this document, as I understand it, you guys want to take until September before you start sending in those requests for additional information. You're going to take until September to read this thing carefully, plow through it, analyze it, and come up with good questions.

I mentioned this at our meeting to Larry Camper. I don't understand why the public has to come in with their questions before you guys. I don't understand where we're supposed to get the expertise to plow through here and come up with relevant, good questions, good responses, and comments on this thing when it takes you guys until September with all of your massive technical staff to come up with those good questions.

And don't you think that it would be a help to the public if we saw your questions first? We would, say, hey, NRC's real concerned about the X/Y factor. Maybe we ought to have a look at it. But instead, if we put our questions in first, our feeling is, do they get finessed away or do

they get buried?

I participated in many number of NRC [inaudible] [meetings] and I've seen the summation of comments afterwards. The public doesn't understand, your comments don't get recorded verbatim; they're buried out there in the files and we may or may not ever find them.

What comes out of NRC in the report is, yes, and we got some very interesting from a couple of people who are concerned down in the general area of site cleanup or site released standards, and some people even commented on whatever. And that's the way the comments are reported.

So in order to make them work and have the trust of the public -- now I'm coming to your fourth pillar of wisdom, that thing about maintaining public confidence all your regulations are supposed to be based on -- well, if you want to maintain public confidence, you have to be forthcoming with us; you've got to trust us.

Tell us the bad news. Christ, you know, we never hear anything about these licensees. You sit up here at the same table with them, and you run out the same story, and that's the impression the public has.

My last note: Do not, please, do not mistake public apathy and public lethargy, and public nonparticipation for public confidence. Mike Webb and I had this conversation. It doesn't mean necessarily that the

public thinks you're doing a good job. It may mean that the public thinks you're impossible. Please consider that.

Thank you, very much. I hope you have no questions. We'll just wrap it up.

Marge has the last word.

SENATOR KILKELLY: Thank you very much, Ray. Are there others who wish to speak? Say none?

I would let you know that the transcript, as I mentioned earlier, the transcript for tonight is available by mail if you sign up at the back table. It was also be available on the Web site which is www.nrc.gov

If there's nothing else then we will declare this meeting over. Thank you all very much for your participation.

[Whereupon at 11:19 p.m., the meeting was concluded.]